

*f. Trafficking in Persons.*—There are no specific laws concerning trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

## FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia (FSM) is composed of 607 small islands extending over a large area of the central Pacific. Four states—Chuuk (formerly Truk), Kosrae, Pohnpei, and Yap—make up the federation. The population is estimated at 130,000, mostly of Micronesian origin. The four states were part of the Trust Territory of the Pacific Islands and were administered by the United States from 1947 to 1986 pursuant to an agreement with the United Nations. Political legitimacy rests on the popular will expressed by a majority vote through elections in accordance with the Constitution. There are three branches of government: An executive branch led by a president who also serves as head of state; a unicameral legislature elected from the four constituent states; and an independent judicial system that applies criminal and civil laws and procedures that closely paralleling those of the United States. Traditional leaders retain considerable influence.

Under the Compact of Free Association, the United States is responsible for the islands' defense. The FSM has no security forces apart from national police, who operate under the office of the Secretary of Justice, and public safety officers, who operate under the authority of the attorney generals of the individual state governments.

The economy depends heavily on transfer payments from the United States, fishing, tourism, and subsistence agriculture.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Traditional customs distinguish between persons on the basis of social status and sex. There is growing evidence of increased spousal abuse and child neglect, and government agencies often ignore such problems due to the constraints imposed by traditional society. Neither the Government nor other organizations successfully have filled the role of the traditional extended family in protecting and supporting its members.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings. There was a suspicious death of a prisoner in custody early in the year, and a March 1999 prisoner suicide (see Section 1.c.). Both cases remain open but are not known to be under active investigation.

*b. Disappearance.*—There were no reports of politically motivated disappearances.  
*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—There was no pattern of torture or other cruel, inhuman, or degrading treatment or punishment. In August two off-duty policemen reportedly beat a foreign national at a bar in Pohnpei. Both officers were dismissed from the police force, and the case was referred to the Attorney General for prosecution.

Prison conditions meet minimum international standards. There was a suspicious death of a prisoner in custody early in the year, and a March 1999 suicide of a prisoner (see Section 1.a.). Both cases remain open but are not known to be under active investigation.

No local organizations concern themselves solely with human rights, and the question of prison visits by human rights monitors did not arise during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—Legal procedures, for the most part patterned after U.S. law, provide for due process, which is carefully observed.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and it is independent in practice.

The Chief Justice of the Supreme Court is appointed by the President, with the advice and consent of the legislature.

Public trial is provided for in the Bill of Rights, and trials are conducted fairly. Juveniles may have closed hearings. Despite these provisions, cultural resistance to litigation and incarceration as methods of maintaining public order has allowed some persons to act with impunity. Serious cases of sexual and other assault and even murder have not gone to trial, and suspects routinely are released indefinitely. Bail, even for major crimes, usually is set low.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such arbitrary interference, and in practice privacy rights are respected.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for these rights, and the Government generally respects them in practice. A new biweekly newspaper, *Rohng En Pohnpei*, published its first issue on November 30 in Pohnpei State.

The national Government and the four states publish newsletters. Each of the four state governments controls a radio station that broadcasts primarily in the local language. One religious group operates a private radio station. The population of Pohnpei has increasing access to live satellite-televized information from around the world and tape-delayed broadcasts of programming by the major U.S. networks. However, none of the other three states has a television receiver station, and few residents have individual satellite dishes.

There is an increasing level of open public discussion of social and governmental issues on various Internet sites. The Internet plays an important role in allowing citizens in the four states, as well as those residing outside the country, an opportunity to share views and opinions.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Bill of Rights provides for freedom of peaceful assembly, and the Government respects this right in practice. During political campaigns, citizens often question candidates at public meetings and social gatherings.

The Bill of Rights provides for freedom of association, and the Government respects this right in practice. Formal associations are uncommon, but organizations for students and women exist.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Bill of Rights forbids the establishment of a state religion and governmental restrictions on freedom of religion. Missionaries of many faiths work in the country without hindrance.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement within the country. It is silent on foreign travel, emigration, and repatriation, but in practice none of these are restricted.

The three Vietnamese who fled a U.N. High Commissioner for Refugees camp in Indonesia and sailed to Yap state in 1998 remain there. The Government has not found another country willing to accept them.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. To date there has never been a request for asylum in the country.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have the right to change their government. The Congress is elected by popular vote from each state; the Congress then chooses the President and Vice President from among its four at large senators by majority vote. State governors, state legislators, and municipal governments are elected by direct popular vote. Political campaigning is unrestricted. There are no established political parties, and political support generally is sought from family and allied clan groupings, as well as religious groups.

There are no restrictions on the formation of political groups, but there have been no significant efforts to form political parties.

Cultural factors in the male-dominated society have limited women's representation in government and politics. Although women hold midlevel positions at both the federal and state level, women are severely underrepresented in leadership roles at the highest government levels. The first woman to hold a national government cabinet position was appointed in 1999; she continues to serve as Public Defender.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There were no known requests for investigations of alleged human rights violations. While there are no official restrictions, no local groups concern themselves exclusively with human rights. However, there are groups that address problems concerning the rights of women and children.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

Although the Constitution provides explicit protection against discrimination based on race, sex, language, or religion, there is extensive societal discrimination,

notably discrimination and violence against women. Government enforcement of these constitutional protections is weak.

*Women.*—Most violence against women occurs in the family context. In the traditional Micronesian extended family unit, spouses and children were accorded strong protections from violence, abuse, and neglect. Such actions were deemed offenses against the family, not just the individuals within them, and were addressed by a complex system of familial sanctions. However, with increasing urbanization and monetarization of the economy, greater emphasis has been placed on the nuclear family, and the traditional methods of coping with family discord are breaking down. No government agency, including the police, has succeeded in replacing the extended family system or in addressing the problem of family violence directly.

Incidents of spousal abuse, often of increasing severity, continue to rise. There are no laws against domestic abuse, and there are no governmental or private facilities to shelter and support women in abusive situations. Effective prosecution of such offenses is rare. In many cases, the victim decides against initiating legal charges because she is pressured by family, is fearful of further assault, or is convinced that the police will not involve themselves actively in what is seen as a private family problem. The number of cases of physical and sexual assaults against women outside the family context also is growing. Such assaults are perpetrated against both citizens and foreigners. Unmarried women sometimes are considered to have invited such violence by living or traveling alone.

Women have equal rights under the law, and there are no cultural or institutional barriers to education and employment. Women receive equal pay for equal work and are well represented in the lower and middle ranks of government. Women are active and increasingly successful in private business and enterprises. A National Women's Advisory Council has existed since 1992, and several small nongovernmental groups are interested in women's issues, particularly those associated with spousal and family violence and abuse.

*Children.*—The Government is committed to children's welfare through its programs of health care and education; however, these programs have been inadequate to meet the needs of the country's rapidly growing population, in an environment in which the extended family is breaking down. In November there were at least five suicides of youths in Pohnpei. Health officials and religious leaders have proposed starting peer support and family care groups to address the factors that may be leading to this increase in suicides.

A compulsory education law requires that all children begin school at the age of 6. Children may leave school when they reach the age of 14 or after completing the 8th grade, whichever comes first (see Section 6.d.).

*People with Disabilities.*—Neither laws nor regulations mandate accessibility to public buildings and services for the disabled. The school system has established special education classes to address problems encountered by those who exhibit learning disabilities, although such classes are completely dependent on nongovernment funding. Some private businesses provide handicap parking spaces and ramps for wheelchair access.

*National/Racial/Ethnic Minorities.*—The law prohibits noncitizens from purchasing land, and the national Congress grants citizenship to non-Micronesians only in rare individual cases (an authority that was exercised during 1998, following a lapse of almost 20 years). However, for the most part, noncitizens share fully in the social and cultural life of the country.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Under the Bill of Rights, citizens have the right to form or join associations, and national government employees by law may form associations to "present their views" to the Government. However, for a variety of reasons, including the fact that most private sector employment is in small-scale family-owned business and that Micronesians are not accustomed to collective action. There are neither associations nor trade unions. The country is not a member of the International Labor Organization.

*b. The Right to Organize and Bargain Collectively.*—No law deals specifically with trade unions or with the right to collective bargaining. Individual employers, the largest of which are the national and state governments, set wages. There were no reports of strikes, labor disputes, or collective bargaining agreements in the country's history.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution specifically prohibits involuntary servitude, and there is no evidence of its practice. Children are not cited specifically in this prohibition, but forced and bonded labor by children is not known to occur.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—There is no law establishing a minimum age for employment of children. While in practice there is no employment of children for wages, they often assist their families in subsistence farming activities. A compulsory education law requires all children to begin school at the age of 6. Children may leave school when they reach the age of 14 or after completing the 8th grade, whichever comes first. Neither the Constitution nor the law specifically prohibits forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The four state governments have established minimum wage rates for government workers. Pohnpei has a minimum hourly wage rate of \$2.00 for government and \$1.35 for private workers. The other three states have established minimum hourly rates only for government workers: \$1.25 for Chuuk; \$1.49 for Kosrae; and \$0.80 for Yap. The minimum hourly wage for employment with the national Government is \$1.68. These minimum wage structures and the wages customarily paid to skilled workers are sufficient to provide a decent standard of living for a worker and family. The minimum wage is enforced through the tax system, and this mechanism is believed to be effective.

There are no laws regulating hours of work (although a 40-hour workweek is standard practice) or prescribing standards of occupational safety and health. A federal regulation requires that employers provide a safe workplace. The Department of Health has no enforcement capability; working conditions vary in practice.

Two states permit foreign laborers to work in garment manufacturing enterprises. The foreign laborers are paid at a lower rate than citizens who work at the factories, work longer hours per day, and work a 6-day week in contrast to the 5-day week for citizens.

There is no law for either the public or private sector that would permit workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

*f. Trafficking in Persons.*—The law does not specifically address the subject of trafficking in persons; however, there were no reports that persons were trafficked to, from, within or through the country.

## MONGOLIA

Mongolia continued its transition from a highly centralized, Communist-led state to a full-fledged, multiparty, parliamentary democracy, although these gains still must be consolidated. The Prime Minister is nominated by the majority party and, with the agreement of the President, is approved by the State Great Hural (Parliament), the national legislature. In July the Mongolian People's Revolutionary Party (MPRP), which held power from 1921 to 1996, won a sweeping victory in the parliamentary elections, leaving only 4 of 76 seats to opposition members. The transition to the new Government occurred in accordance with constitutional procedures, and international observers characterized the elections as free and fair. There are 20 political parties, 3 of which hold seats in the Parliament. The judiciary is independent.

Security forces are under civilian control, and, although he is a retired general, the Minister of Defense is a civilian. The national police have primary responsibility for law enforcement. The military forces are responsible for external security, although border security is the responsibility of the Ministry of Justice and Home Affairs in peacetime. Reduced government spending continued to force downsizing of the military forces. The General Intelligence Agency (GIA), formerly the State Security Agency, is responsible for internal security; its head has ministerial status and reports directly to the Prime Minister. A parliamentary committee oversees the military forces, the police, and the GIA. Some members of the police on occasion committed human rights abuses.

Despite reforms in the 1990's, the major economic entities remain under state control; however, the private sector produces over 70 percent of the gross domestic product. The economy continued to expand and strengthen, and inflation stayed below 10 percent. Mongolia remains a poor country with a per capita income of approximately \$450 per year. It relies heavily on foreign economic assistance. The mainstays of the economy continue to be copper production and other mining, livestock raising (which is done by a majority of the rural population), and related food-, wool-, and hide-processing industries, which meet both local needs and produce goods for export. A growing trade and small entrepreneurial sector in the cities provides basic consumer goods. Garment manufacture and minerals, especially copper, constitute the bulk of export earnings. Lack of transportation and other infrastruc-

ture, legal and regulatory deficiencies, petty corruption, and a small domestic market discourage foreign investment.

The Government generally respected the human rights of its citizens; however, problems remain in some areas. Members of the police at times beat prisoners and detainees. Pretrial detention and prison conditions are poor, and resulted in the deaths of prisoners in custody. Arbitrary arrest and detention are problems, as is corruption. There are restrictions on due process for persons arrested or suspected of crimes. Government attempts to enforce compliance by newspapers, magazines, television, and radio with moral strictures and tax laws were seen as an attempt to intimidate the media and have resulted in a degree of self-censorship by the press. During the year, lacking a legal framework to deal with refugees and responding to a bilateral agreement to return illegal immigrants to the country of origin, the authorities denied entry to some persons claiming refugee status. Official harassment of some religious groups seeking registration persisted. Domestic violence against women is a serious problem; however, efforts to assist victims increased during the year. Child abuse and child labor also are problems. There were some instances of forced labor, and some women seeking work overseas may have become victims of trafficking schemes. In December the Government passed legislation to establish a National Commission on Human Rights.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings; however, it is suspected that the murder of the Minister of Infrastructure in October 1998 was politically motivated. Although the investigation is ongoing, the inability to solve this case is a major problem for the Government.

Approximately 100 prisoners died in custody during the year, largely due to disease and inadequate prison management (see Section 1.c.).

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution forbids torture and other abuse, and reports of such actions diminished, members of the police in rural areas occasionally beat prisoners and detainees, and unnecessary force in the arrest process is not uncommon. Reforms undertaken by the Ministry of Justice and Home Affairs upon Parliament's recommendation, following reports by international human rights observers, have changed significantly the way that accused persons and prisoners are treated. The Ministry's Department for the Enforcement of Court Decisions now monitors conditions; however, the new laws and procedures have not been publicized widely, especially in the countryside, and citizens are not aware always of their rights with respect to detention and arrest.

Pretrial detention and prison facilities are poor—including insufficient food, heat, and medical care—and threaten the health and life of inmates. Different authorities administer the pretrial detention system and the prison system, which creates tensions between the two and limits management improvements. Many inmates entered prison already infected with tuberculosis or contracted it in prison. With the help of foreign donors, the prisons continued a 1997 program for surveying and treating tuberculosis among inmates, bringing the number of cases down to 890; the percentage of inmates who die of the disease has decreased by 50 percent. Approximately 100 prisoners died in custody, largely due to disease and mismanagement by the authorities; this also is a 50 percent decrease from 1999. Pretrial detention facilities, where suspects can be held for up to 36 months, often are worse than the prisons and contribute significantly to the tuberculosis problem. Although the number of inmates has remained fairly constant, the seriousness of crimes has increased. Overcrowding in both prisons and pretrial detention facilities is common; the detention center population exceeds capacity by approximately 25 percent, aggravating management, health, and funding problems. To address these problems under the continuing reform process, prison inmates in the capital were divided into smaller groups managed by trained personnel and provided health and hygiene instructions. During the year, families were given greater access to inmates, alleviating some of the hardship in obtaining food and clothing. In the capital foreign donor assistance improved women's and juvenile facilities. Improvements in detention and prison conditions outside of the capital are significantly less or nonexistent due to lack of funding.

The Government permits prison visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution provides that no person

problems. Under the Criminal Procedures Code, police may arrest those caught committing or suspected of a crime and hold them for up to 72 hours before the decision is made to prosecute or release. A prosecutor must issue a warrant for incarceration of longer duration or when the actual crime was not witnessed. A detainee has the right to a defense attorney during this period and during any subsequent stage of the legal process. If a defendant cannot afford a private attorney, the State appoints an attorney. Detainees may be released on bail with the agreement of the prosecutor.

Citizens are not always aware of their rights in regard to arrest and detention procedures (see Section 1.c.). In June a new amnesty law affected 1,000 inmates and detainees by reducing the sentences of inmates and releasing detainees held on insufficient evidence. The police may detain a suspect for up to 10 months, and the prosecutor can authorize up to an additional 26 months of pretrial detention. However, over the year, the number of suspects detained for more than 6 months has decreased. According to administrative regulation, if a person was wrongly charged with a crime, the State will restore the person's rights and reputation and compensate him.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the courts are independent in practice, although corruption is a concern.

The court system consists of local courts, provincial courts, and the Supreme Court. The 17-member Supreme Court is at the apex of the judicial system, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. Local courts hear mostly routine criminal and civil cases; provincial courts hear more serious cases such as rape, murder, and grand larceny and also serve as the appeals court for lower court decisions. The Constitutional Court, separate from the criminal court system, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the Ministry of Justice and Home Affairs, nominates candidates for vacancies on both the Supreme and lower courts; the President has the power to approve or refuse such nominations. The Council also is charged with ensuring the rights of judges and providing for the independence of the judiciary. During the year, a human rights course became compulsory for the university law curriculum.

All accused persons are provided due process, legal defense, and a public trial, although closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases provided by law. Defendants do not enjoy a presumption of innocence. Defendants may question witnesses and appeal decisions. There were few complaints about the legal system to the local office of the U.N. High Commissioner for Human Rights (UNHCHR), because most citizens still do not know about the organization. Complaints were usually about corruption in connection with civil and property cases that allegedly resulted in unfair court decisions. The UNHCHR staff referred these complaints to nongovernmental organizations (NGO's) and the Ministry of Justice and Home Affairs.

There were no reports of political prisoners. In a program that began in 1998, the State Rehabilitation Commission makes a one time payment to the families of those individuals who were persecuted from 1922 through the 1960's. During the year, 1,901 persons received payments of from \$500 to \$1,000 (500,000 to 1 million tugrik) each under this program. More than 11,000 citizens were compensated in 1999.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides that the State shall not interfere with the private beliefs and actions of citizens, and the Government generally respected these provisions in practice. The head of the GIA may, with the knowledge and consent of the Prime Minister, direct the monitoring and recording of telephone conversations. The extent of such monitoring is unknown. Police wiretaps must be approved by the Prosecutor's Office and are authorized for only 2 weeks at a time.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech, press, and expression, and the Government generally respects these rights in practice. An increasing variety of newspapers and other publications represent major political party viewpoints as well as independent views. The media law that went into effect in 1999 bans censorship of public information and future legislation that would limit the freedom to publish and broadcast. This law also bars state ownership or financing of the media or media organizations. Nonetheless radio and television remain state-owned. The law took effect without agreement on regulations and procedures for the privatization of assets, and its implementation was difficult and controversial. Lack of access to information and of transparency in government continue to inhibit political dialog in the media, and led to media complaints.

The new Government monitored all media for compliance with antiviolenence, antipornography, antialcohol, and tax laws. While only two newspapers were closed as a result of the inspections, journalists saw it as an attempt at intimidation and control. The media practices self-censorship.

All newspapers buy newsprint directly from private suppliers, and neither party-affiliated nor independent news media report difficulty securing an adequate supply. Due to transportation difficulties, uneven postal service, and fluctuations in the amount of newsprint available, access to a full range of publications is restricted in outlying regions.

The court system places the burden of proof on the defendants in libel and slander cases, which stifles the free media.

There are several television stations including a government-financed television station with countrywide broadcasting capability, a limited-operation international joint venture private television channel, a private television station, which does not broadcast nationwide, a local television station controlled by the Ulaanbaatar mayor's office, and several radio stations in Ulaanbaatar. State-owned radio is particularly important as the major source of news in the countryside, but the one independent radio station broadcasts widely and there are an increasing number of small local FM stations. The media presents opposition and government news. Many residents of the country have access to television, and Ulaanbaatar residents receive broadcasts from China, Russia, Japan, the United Kingdom, France, Germany, the United States, and other countries by commercial satellite and cable television systems. An estimated 70 percent of households have television. The Internet is available, and there have been no government attempts to interfere with its use.

The Government respects academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respected them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of conscience and religion, and the Government generally respected these provisions in practice; however, the law limits proselytizing, and some groups that sought to register have faced bureaucratic harassment. The Constitution explicitly recognizes the separation of church and state. The law regulating the relationship between church and state was passed in 1993 and amended in 1995. While the Ministry of Justice and Home Affairs is responsible for registrations, local assemblies have the authority to approve applications at the local level.

Although there is no official state religion, traditionalists believe that Buddhism is the "natural religion" of the country. The Government has contributed to the restoration of several Buddhist sites. These are important religious, historical, and cultural centers. The Government does not subsidize the Buddhist religion otherwise.

Under the provisions of the law, the Government may supervise and limit the numbers of both places of worship and clergy for organized religions, but there were no reports that it has done so. However, religious groups must register with the Ministry of Justice and Home Affairs. Some groups encountered harassment during the registration process, including random demands by midlevel city officials for financial contributions in return for securing legal status. Even when registration was completed, the same authorities threatened some religious groups with withdrawal of approval. The registration process is decentralized with several layers of bureaucracy, in which officials sometimes demand financial benefits in exchange for authorization. In addition registration in the capital may not be sufficient if a group intends to work in the countryside where local registration also is necessary. In general it appears that difficulties in registering primarily are the consequence of bureaucratic action by local officials and attempts to extort financial assistance for projects not funded by the city. Of the 260 temples and churches founded in the past 10 years, about 150 are registered, including 90 Buddhist, 40 Christian, and 4 Baha'i, in addition to 1 Muslim mosque and other organizations.

The law does not prohibit proselytizing, but limits it by forbidding use of incentives, pressure, or deceptive methods to introduce religion. With the opening of the country following the 1990 democratic changes, religious groups began to arrive to provide humanitarian assistance and open new churches. Some friction between missionary groups and citizens developed because this assistance was mixed with proselytizing activities. Proselytizing by registered religious groups is allowed, although a Ministry of Education directive bans mixing foreign language or other training with religious teaching or instruction. The edict is enforced, particularly in the capital area. Contacts with coreligionists outside the country are allowed.

There were no reports of religious detainees or prisoners. A report that in April a Christian in Bayan-Olgii (a predominantly Muslim province) was imprisoned for distributing religious material was determined to be false.

When draft amendments to the law that would have limited religious freedom were circulated by the Ministry of Justice and Home Affairs in 1999, religious organizations, human rights groups, and foreign diplomatic mission protested, and the Government did not pursue the amendments.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement within the country as well as the right to travel and return without restriction, and the Government generally respected these rights in practice. Due to unusually harsh winter weather and drought conditions, an increased number of persons sought shelter in the capital. The authorities responded by raising bureaucratic obstacles to qualify for residency and social benefits in the capital.

The country is not a party to the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol and it has no laws for granting refugee status. The Constitution contains a provision that addresses political asylum, but there are no implementing regulations. The issue of granting of first asylum did not arise during the year.

The Government cooperates with the U.N. High Commissioner for refugees and other humanitarian organizations in assisting refugees. During the year, persons with a valid claim to refugee status were given safe passage to a third country. However, border control is governed by bilateral agreements, and some persons who were suspected of being illegal immigrants were denied entry.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government through periodic, free elections by secret ballot and universal suffrage. Presidential, parliamentary, and local elections are held separately. In July parliamentary elections brought the MPRP back into power. International observers deemed the elections generally free and fair, although there were some irregularities, and made recommendations to improve elections practices and procedures. The formation of the new Government highlighted constitutional questions concerning the President's relationship to Parliament and the Government, and the right of Members of Parliament to serve in the Government. Constitutional amendments meant to address these questions went into effect on July 15.

There are 20 registered political parties; 3 are represented in the Parliament.

Although there are no legal impediments to the participation of women or minorities in government and politics, women are underrepresented in government and politics. There are only 8 female members in the 76-member Parliament. There are no female ministers. Women and women's organizations are vocal in local and national politics and actively seek greater representation by women in government policymaking.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. A human rights course is a requirement in the university law curriculum.

In December Parliament passed legislation establishing a National Commission on Human Rights to receive complaints from both citizens and foreign residents. The Commission will consist of three senior civil servants nominated by the President, the Supreme Court, and the Parliament for terms of 6 years.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status," and that "men and women shall be equal in political, economic, social, cultural fields, and family." The Government generally enforced these provisions in practice.

*Women.*—Rape and domestic abuse are illegal, and offenders can be prosecuted and corrected under assault laws after formal charges have been filed. There is no law specifically prohibiting spousal rape. Domestic violence against women is a serious problem. There are no reliable or exact statistics regarding the extent of such abuse but a wide range of qualified observers believe that it is common. After many years of government and societal denial, there is increasing public and media discussion of domestic violence, including spousal and child abuse. The large economic and societal changes underway have created new stresses on families, including loss of jobs, inflation, and lowered spending on social and educational programs. Some statistics show that over 70 percent of the cases of family abuse are related to alco-



hol abuse. The high rate of alcohol abuse has contributed to increased instances of family abuse and abandonment, and has added to the number of single-parent families, most of which are headed by women. Although women's groups advocate new statutes to cope with domestic violence, there is no known police or government intervention in cases involving violence against women beyond prosecution under existing assault laws after formal charges have been filed.

The family law which went into effect in 1999 details rights and responsibilities regarding alimony and parents' rights, and is intended to bring about timely dispute settlement and avoid the causes of some domestic violence. The National Center Against Violence made progress in providing hot line services, shelters, and conducting training for police on how to deal with domestic violence cases and began to expand its work outside the capital.

There are reports that some women and teens work in the sex trade in Asia and eastern Europe; an unknown number of them may have been trafficked (see Sections 6.c. and 6.f.).

The Constitution provides men and women with equal rights in all areas and, both by law and in practice, women receive equal pay for equal work and have equal access to education. Women represent about half of the work force, and a significant number are the primary earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health. The Government enforces these provisions. Many women occupy midlevel positions in government and the professions, and many are involved in the creation and management of new trading and manufacturing businesses.

There is no separate government agency that oversees women's rights; however, there is a National Council to coordinate policy and women's interests among ministries and NGO's, and the Ministry of Social Welfare and Labor has added a Department for Women and Youth Issues. There are approximately 36 women's rights groups that concern themselves with such issues as maternal and child health, domestic violence and equal opportunity.

*Children.*—Increased stress on the family structure and throughout society has had adverse effects on many children, and the Government has been unable to keep pace with the educational, health, and social needs of the most rapidly growing segment of its population, although it is committed to children's rights and welfare in principle. The Government provides children of both sexes with free, compulsory public education through the age of 16, although family economic needs and state budgetary difficulties make it difficult for some children to attend school. In addition there continues to be a severe shortage of teachers and teaching materials at all educational levels.

The society has a long tradition of support for communal raising of children. The Government is more willing to admit the extent of the problem of orphaned children, but it lacks the resources to improve the welfare of children who have become the victims of larger societal and familial changes. NGO's continued to assist orphaned and abandoned children. Groups working in this field disagree on the number of street children; some report that the figure was 700 to 800, while others count all poor children who may or may not be homeless and estimate that it was as high as 3,000. Although evidence is limited, there are reports that female street children sometimes faced sexual abuse (see Section 6.d.). The Government provides only minimal support for the few shelters and orphanages that exist; those facilities must turn to private sources to sustain their activities.

The family law, which took effect in 1999, stipulates the obligations regarding divorce, custody, and alimony to the benefit of the parent caring for children. It provides for more speedy resolution of divorce cases where the relevant agencies have determined that domestic violence is involved.

There is growing awareness that child abuse, often associated with parental alcoholism, is a problem. In conjunction with efforts to counter violence against women, NGO's have begun to address the issue. The Ministry of Social Welfare and Labor has added a Department for Women and Youth Issues. Awareness of child labor as a problem is growing (see Sections 6.c. and 6.d.). The Government declared the year the Year of Supporting Child Development and established a National Committee for Children.

*People with Disabilities.*—There is no discrimination against disabled persons in employment and education, and the Government provides benefits to the disabled according to the nature and severity of disability. Those who have been injured in industrial accidents have the right to be reemployed when ready to resume work. The Government also provides tax benefits to enterprises that hire the disabled, and some firms hire the disabled exclusively. There is no legislation mandating access for the disabled and, therefore, it is difficult for the disabled to participate fully in

public life. Disabled citizens groups have demonstrated for higher government subsidies. Approximately 30 NGO's participate in activities assisting the disabled.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution entitles all workers to form or join unions and professional organizations of their choosing. Union officials estimate that union membership dropped from 450,000 persons in 1998 to 400,000 during the year, and was less than half of the workforce. Union membership decreased due to restructuring and privatization of former state enterprises and as increasing numbers of workers either became self-employed or began working at small, nonunionized firms. No arbitrary restrictions exist on who may be a union official; officers are elected by secret ballot.

Union members have the right to strike. Those employed in essential services, which the Government defines as occupations critical for national defense and safety, including police, utility, and transportation workers, do not have the right to strike. During the year, there were approximately 50 strikes involving 4,500 workers.

Most union members are affiliated with the Mongolian Trade Unions Confederation, but some are affiliated with the newer Association of Free Trades Unions. Both organizations have ties with international labor organizations and confederations in other countries.

*b. The Right to Organize and Bargain Collectively.*—The labor law, which went into effect in 1999, defines conditions and regulates relations between employers, employees, the trade unions, and the Government, making adjustments for the changes in the structure of the economy. The Government's role is limited to ensuring that the contract meets legal requirements as to hours and conditions of work. Wages and other employment issues are to be set between the employer, whether state or private, and the employee, with trade union input, if appropriate. The new labor law also streamlines the process for dealing with labor conflicts. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups are referred to intermediaries and arbitrators for reconciliation. If an employer fails to comply with a recommendation, employees may exercise their right to strike. The law protects the workers' right to participate in trade union activities without discrimination.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law specifically prohibits forced or compulsory labor, including forced labor by children; however, enforcement is intermittent. In November a foreign-owned garment factory was discovered to be requiring employees to work 14-hour shifts 7 days a week, deducting unreasonable sums from paychecks for miscellaneous expenses, and requiring 16- to 18-year-old workers to work excessive hours (see Section 6.d.). Some members of the military forces in rural areas are required to help with the fall harvest. In many cases, prisoners work to support the detention facility in which they are held, and detained alcohol abusers and petty criminals sometimes are required, as part of their sentences, to perform menial tasks such as street sweeping.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law in general prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under 18 years of age may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Enforcement of these prohibitions, as well as all other labor regulations, is the responsibility of state labor inspectors assigned to regional and local offices. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement is limited due to the small number of labor inspectors and the growing number of independent enterprises. In November a foreign-owned garment factory was found to be employing 16- to 18-year-old workers for periods in excess of the legal limits (see Section 6.c.). Due to increasing economic pressures, there are indications that fewer children are staying in school until age 18, especially in the countryside. These children most often herd family animals, but reports of children working in factories or mining coal have increased. The Government prohibits forced and bonded labor by children, and generally attempts to enforce this prohibition (see Section 6.c.). Although evidence is limited, there are reports that female street children sometimes face sexual abuse (see Section 5). The Government is aware of this development and established a National Committee for Children to address this and other child welfare issues.

In January the International Labor Organization (ILO) established a national office for the International Program on the Elimination of Child Labor. In October

Parliament approved accession to the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

*e. Acceptable Conditions of Work.*—The legal minimum wage established for the year is under \$18 (18,000 tugrik) per month. The minimum wage alone is insufficient to provide a decent standard of living for a worker and family. This level applies to both public and private sector workers and is enforced by the Ministry of Social Welfare and Labor. Virtually all civil servants earn more than this amount, and many in private businesses earn considerably more. Some employees receive housing benefits.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. For those under 18 years of age, the workweek is 36 hours, and overtime work is not allowed. Overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited by law from working overtime.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards, and the Ministry of Social Welfare and Labor provides enforcement. The near-total reliance on outmoded machinery and problems with maintenance and management lead to frequent industrial accidents, particularly in the mining, power, and construction sectors. Effective enforcement of occupational health and safety standards is inadequate; the labor monitoring unit's 86 inspectors must inspect a growing number of enterprises throughout the country. According to the labor law, workers have the right to remove themselves from dangerous work situations and still retain their jobs.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, and there is evidence that Mongolian women and teenagers are working in the sex trade in Asia and Eastern Europe and may have been the victims of trafficking rings. The country is both a source and transit point for trafficking. The problem has attracted increased attention, and debate on its legal and social aspects is underway.

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## NAURU

The Republic of Nauru, a small Pacific island with approximately 10,500 inhabitants, gained independence in 1968, at which time it adopted a modified form of parliamentary democracy. Nauru has two levels of government, the unicameral Parliament and the Nauru Island Council (NIC). Parliamentary elections must be held at least triennially. The Parliament, consisting of 18 members from 14 constituencies, is responsible for national and international matters. It elects the President, who is both Chief of State and Head of Government, from among its members. The NIC acts as the local government and is responsible for public services. The judiciary is independent.

Nauru has no armed forces, although it does maintain a small police force (less than 100 members) under civilian control.

The economy depends almost entirely on the country's declining phosphate deposits. Secondary reserves and residual mining may extend the productivity of its mines. The government-owned Nauru Phosphate Corporation (NPC) controls the mining industry. The Government places a large percentage of the NPC's earnings in long-term investments meant to support the citizenry after the phosphate reserves have been exhausted. The Governments of Nauru and Australia reached a \$70.4 million out-of-court settlement in 1993 for rehabilitation of the Nauruan lands damaged by Australian phosphate mining. Two new banks opened during the year. Media reports indicate that significant offshore deposits are associated with these new banking facilities. The Government is working with the Pacific Finance Technical Assistance Center (an International Monetary Fund facility based in Fiji) to update its banking regulations.

The Government generally respected the human rights of its citizens; however, police reportedly raided a television station and confiscated a videotape in May. In the traditional culture, women occupy a subordinate role, with limits on their job opportunities.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits these practices, and the Government respects these prohibitions in practice.

The Government attempts to provide internationally accepted minimum prison conditions within its limited financial means and in accordance with local living standards. However, prison conditions are basic, and food and sanitation are limited.

There are no local human rights groups, and the question of visits to prisons by human rights monitors has not been raised. Visits by church groups and family members are permitted.

*d. Arbitrary Arrest, Detention, or Exile.*—The constitutional prohibition against arbitrary arrest and detention is honored. The police may hold a person for no more than 24 hours without a hearing before a magistrate.

The Government does not practice forced exile.

*e. Denial of Fair Public Trial.*—The judiciary is independent, and constitutional provisions for both a fair hearing and a public trial are respected. Defendants may have legal counsel, and a representative will be appointed when required "in the interest of justice." However, many cases never reach the formal legal process, since traditional reconciliation is used—usually by choice but sometimes under communal (not government) pressure. Contract workers from Kiribati and Tuvalu are employed predominantly in the mining sector and do not have recourse to effective communal assistance; they are particularly at a disadvantage in complaints against citizens. There are only two trained lawyers, and many persons are represented in court by "pleaders," trained paralegals certified by the Government.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution generally prohibits these abuses. Searches not sanctioned by court order are prohibited, and there is no surveillance of individuals or of private communications. Citizenship and inheritance rights are traced through the female line. Marriage between women and foreign males may still draw social censure. The law extends the right of citizenship—subject to approval by the NIC—to both male and female spouses, provided that marital and residency requirements are met.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of expression. News and opinion circulate freely, rapidly, and widely by the press and word of mouth. The country has no regular print media. Occasional publications include the government bulletin. The sole radio station is owned and operated by the Government; it broadcasts Radio Australia and British Broadcasting Corporation news reports. Local television includes Nauru TV, which is government owned, as well as a privately owned sports network. Police raided Nauru TV in May and confiscated a videotape of the vote in Parliament in which the President was elected. The country's Director of Media, an Australian national, departed the country soon afterward.

There are no prohibitions or restrictions on academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice. No permits are required for public meetings, and there are no limitations on private associations.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights for citizens, and the Government respects them in practice.

Foreign workers must apply to their employers for permission to leave during the period of their contracts. They may break the contract and leave without permission but would lose their positions and often a sizable bond as a result. In most cases, foreign employees whose contracts are terminated by their employers must leave Nauru within 60 days.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. No person in recent memory has applied for refugee status, and the Government has not formulated a formal policy regarding refugees, asylees, or first asylum.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have, and exercise, the right to change their government. Although there are no organized political parties, persons with diverse points of view run for and are elected to Parliament and to the NIC.

Parliament elects the President. There was a change in government in April, the eighth change in government in the past 4 years. All the changeovers were peaceful and in accordance with the Constitution. Voting by secret ballot is compulsory for all citizens over the age of 20 for parliamentary elections. There have been multiple candidates for all parliamentary seats during recent elections. The approximately 3,000 guest workers have no voice in political decisions.

There are no legal impediments to participation in politics by women; however women are underrepresented in government and politics. There are no female Members of Parliament.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no restrictions on establishing local groups that concern themselves specifically with human rights, but to date none has been formed. No allegations have been made by outside organizations of human rights violations in the country, nor have there been any requests for investigations.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

Government policy prohibits discrimination on the basis of race, sex, religion, disability, language, or social status.

*Women.*—The Government does not keep track of incidents of physical abuse against women. However, credible reports indicate that sporadic abuse, often aggravated by alcohol use, occurs. Families normally seek to reconcile such problems informally, and, if necessary, communally. The judiciary and the Government treat major incidents and unresolved family disputes seriously.

Nauru law assures women the same freedoms and protections as men. The Government officially provides equal opportunities in education and employment, and women are free to own property and pursue private interests. However, in practice, societal pressures limit opportunities for women to exercise these rights fully. The Government has appointed a women's development officer to assist with the development of professional opportunities for women.

*Children.*—The Government devotes considerable attention to the welfare of children, with particular stress on their health and educational needs. Education is compulsory until age 16. Child abuse statistics do not exist, but alcohol abuse sometimes leads to child neglect or abuse. The NIC treats child abuse as a serious communal matter. There were no reported cases of child abuse during the year.

*People with Disabilities.*—There is no reported discrimination in employment, education, and the provision of state services to persons with disabilities. However, no legislation mandates access to public buildings and services for the disabled. The Government has assisted persons with disabilities by building access ramps to homes and workplaces and by purchasing office equipment adapted for persons with disabilities.

*National/Racial/Ethnic Minorities.*—Non-Nauruan Pacific island workers experience some discrimination. While guest workers are provided free housing, the shelters they are given often are maintained poorly and overcrowded. In the past, some guest workers alleged that the police rarely act on complaints they made against citizens.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right of citizens to form and belong to trade unions or other associations. However, the country has virtually no labor laws, and there are no trade unions. Past efforts to form unions were discouraged officially. The transient nature of the mostly foreign work force and the relative prosperity of the citizenry also have served to hamper efforts to organize the labor force. The right to strike is neither protected, prohibited, nor limited by law. No strikes took place during the year. Nauru is not a member of the International Labor Organization. There are no prohibitions or limits on the right of unions to affiliate with international bodies.

*b. The Right to Organize and Bargain Collectively.*—While there are no legal impediments, collective bargaining does not take place. The private sector employs only about 1 percent of salaried workers. For government workers, public service

regulations determine salaries, working hours, vacation periods, and other employment matters.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution forbids forced or compulsory labor, including forced and bonded labor by children, and the Government effectively enforces these prohibitions.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Education is compulsory until age 16; the law sets 17 as the minimum age of employment. The only two large employers, the Government and the NPC, honor this. Some children under the age of 17 years work in the few, small, family-owned businesses. The Constitution prohibits forced and bonded labor by children and the Government enforces this prohibition effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—Minimum wages exist for office workers and manual laborers and provide an adequate, if modest, standard of living. Most families live in simple but adequate housing, and almost every family owns some sort of motor vehicle. The Government sets the minimum yearly wage administratively for the public sector. Since November 1992, that rate has been \$6,562 (\$A9,056) for those 21 years of age or older. The rate is progressively lower for those under 21 years of age. Employers determine wages for foreign contract workers based on market conditions and the consumer price index. Usually foreign workers and their families receive free housing, utilities, medical treatment, and often a food allowance. Some noncitizen contract workers have complained about conditions in company living compounds. By regulation the workweek for office workers is 36 hours and for manual laborers 40 hours in both the public and private sectors. Neither law nor regulations stipulate a weekly rest period; however, most workers observe Saturdays and Sundays as holidays.

The Government sets health and safety standards. The NPC has an active safety program that includes an emphasis on worker education and the use of safety equipment such as helmets, safety shoes, and dust respirators. The NPC has a safety officer who is specifically responsible for improving safety standards and compliance throughout the company.

*f. Trafficking in Persons.*—The law does not specifically address trafficking; however, there were reports that Asian nationals were trafficked through the country en route to other destinations. The Government is investigating.

## NEW ZEALAND

New Zealand is a parliamentary democracy, with executive authority vested in a 20-member cabinet led by the Prime Minister. The Governor-General is Head of State. The 120-member Parliament is elected in a mixed member proportional representation system, with 6 seats reserved for members of the native Maori population. The judiciary is independent.

The police and defense forces are responsible to civilian officials and are firmly controlled by them.

New Zealand is an efficient producer of agricultural products and an exporter of wool, meat, and dairy products. Tourism, forestry, fishing, and manufacturing recently have become significant economic sectors. Disparities in wealth are small but increasing. Government social programs offer substantial benefits to disadvantaged persons.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government has taken steps to address the problems of police abuse, overcrowded prisons, violence against women, and societal discrimination against the disabled, indigenous people, and Pacific islanders and Asians. Child abuse is a problem, and trafficking in persons is a small but growing problem.

The Government generally respects the human rights of citizens living in its territories of Tokelau, Niue, and Cook Islands.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture and other forms of mistreatment, and the Government generally respects these prohibitions in practice.

Police abuse declined slightly from 1999; however, there were instances of police abuse. During the year, 4.2 percent fewer complainants alleged misconduct by officers than during 1998/99. There were 11 cases of police misconduct that involved deaths, down from 21 in 1997/98. In one such case, police in May fatally shot a Maori youth, leading public officials, including the Prime Minister, to urge better police-Maori relations. The officer, also of Maori descent, was found by an internal police investigation to have acted in self-defense and was exonerated, which resulted in protest from the Maori community in the Taranaki region.

Maori inmates constitute more than half the prison population, even though Maori are only 15 percent of the general population (see Section 5). The Government sought to reduce the problem of Maori recidivism through Maori focus units, which integrate Maori values into the rehabilitation program.

Prison conditions generally meet minimum international standards; however, prison overcrowding is a significant and growing problem to which the Government is responding by building new prisons. As of September, the inmate population totaled 5,940, with prison bed capacity of about 6,000. The inmate population is projected to increase to about 6,040 by 2002. In September the female inmate population rose to over 320, exceeding the number of available beds in women's prisons. As a result, women were housed in men's prisons, and advocates for prison reform asserted that facilities for female inmates in those situations were inadequate. In 1999 the Government added 22 new beds for women at the main women's prison in Wellington. In July the new Auckland Central Remand Prison opened, with beds for 360 male inmates. Two other new prisons are scheduled to open in 2002 and 2003. Construction also began during the year to improve older prisons in Dunedin and Invercargill that would result in toilets replacing buckets at those prisons by mid-2001.

A highly publicized case of prisoner abuse was resolved in September when four inmates received substantial monetary compensation and an apology from the Government for an apparently isolated incident in 1993 in which they claimed that they were stripped and beaten in retaliation for attacking prison officers. A U.N. committee that considered the case stated that the prisoners were not tortured but that their treatment was cruel and degrading. Overall, assaults in prisons (mostly inmate on inmate) rose from 97 to 120 in 1999-2000; however, suicides declined from 8 to 6. Over 98 percent of prison officers are trained in suicide awareness.

Special problems also exist concerning the treatment of youth offenders. As of 1998, 18 percent of the total inmate population was under the age of 20. Two special units for inmates under the age of 17 and vulnerable 17 to 19-year-olds opened during the year. They offer a peer-based approach to transform behavior. In July the Government announced that it planned to build two new youth units and expand a third, increasing capacity for youth offenders by 142 beds by March 2001.

The Government permits prison visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

There is an impartial judiciary, with the right of appeal to the Privy Council in London, UK, although this option rarely is invoked. Within the country, the Court of Appeal is the highest appellate court, and it determines appeals from the High Court, which has original jurisdiction for major crimes and important civil claims. The High Court also handles appeals from lower courts and reviews administrative actions. Remaining original jurisdiction rests with 110 judges of the district courts. Special courts include: The Employment Court; family courts; youth courts; Maori Land Court; Maori Appellate Court; and the Environment Court.

The law provides for the right to a fair trial, and the judiciary implements this provision.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine

to ensure freedom of speech and of the press, and of academic freedom. There were no reported instances of restrictions of free speech as in 1999.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government respects this right in practice.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice.

The Government provides first asylum and is a signatory to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Under its own refugee quota, the Government accepts up to 750 UNHCR-approved refugees per year.

There were no reports of the forced expulsion of persons with a valid claim to refugee status.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Parliamentarians are elected under a mixed-member proportional representation system, and general elections were held in November 1999.

Women and minorities are accorded full opportunity to participate in political life, but are underrepresented in government. In the 120-member Parliament, 36 seats are held by women; 16 by Maori; 3 by members of Pacific Island origin; and 1 by a member of Asian heritage. The Executive Council has 26 ministers (20 within the Cabinet and 6 outside the Cabinet) including 11 women (1 of whom is the Prime Minister), 4 Maori, and 1 Pacific Islander. The Cabinet has seven women, two Maori, and one Pacific Islander. The Prime Minister, the opposition leader, and the Chief Justice are women. In August Queen Elizabeth II of England, in her capacity as leader of the Commonwealth, appointed a new Governor General, also a woman, who is to take office in April 2001.

Women are underrepresented in government in the dependent territories of the Cook Islands, Tokelau, and Niue. Of the 25 members of the Cook Islands Parliament, 2 are women. In Niue, 2 of 20 are women.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international nongovernmental organizations (NGO's) operate without government restriction, investigating allegations and publishing their findings on human rights cases. Government officials are cooperative and responsive to the views of these human rights groups. The Human Rights Commission, a U.N.-accredited national human rights institution, investigates complaints of human rights violations and unlawful discrimination and acts as a conciliator. The Government also funds an independent race relations conciliator, who received complaints and acted as an ombudsman during the year.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The 1993 Human Rights Act prohibits discrimination on the basis of race, sex, religion, disability, and language, and the Government effectively enforces it.

*Women.*—Violence against women is a problem that affects all socioeconomic groups. A 1997 government-sponsored academic survey indicated that 1 woman in 7 living with a male partner was abused physically or sexually by the partner in the previous 12 months, and 1 in 16 women were likely to be sexually assaulted each year. Publicity about domestic violence increased significantly after government ministers pressured a women's refuge coordinator in August not to publicize statistics about Maori spousal and child abuse rates. According to a 1994 Public Health Commission study, Maori women between the ages of 15 and 24 were 7 times more likely than non-Maori women to be hospitalized as a result of domestic assault. According to government statistics, in 1998 5,056 men were prosecuted for domestic assault, and about 1,000 more faced less serious family violence charges. Maori men constituted 41 percent of men convicted of assaulting a woman and 43 percent of men convicted of assaulting a child. Disproportionately high rates of domestic abuse also were documented among Pacific Islander families.

The law penalizes spousal rape. The Government convicted persons on this charge during the year. The National Collective of Rape Crisis groups, a private, nonprofit



organization, claimed in 1998 that the majority of cases go unreported each year and that, of the cases that are reported to the police, only 10 to 15 percent result in convictions. The group reported that husbands and boyfriends committed about 25 percent of all sexual assaults.

The 1996 Domestic Violence Act broadened the definition of violence to include psychological abuse, threats, intimidation, harassment, and allowing children to witness psychological abuse. It expanded intervention measures, such as the use of protection orders; education programs for men, women, and children; stronger police powers to arrest and detain offenders; improved access to legal services for women eligible for legal aid; and tougher penalties for breach of a protection order. The family court received 22,174 applications for protection orders under the act from 1996 through 1997.

The Government's strategy to prevent family violence included a range of objectives, such as providing victim support, incorporating successful innovations and proven methods from family violence centers into the national family violence programs (that is, the promotion of "best practice"), ensuring safety from violence, and implementing Maori-designed and delivered programs. The Government partially funded women's refuges, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services.

Prostitution is legal; however, organizing and recruiting women into prostitution is not. There were reports of abuse and the involuntary detention of women involved in prostitution during the year (see Section 6.f.). There were several credible reports that women were trafficked into the country and forced into prostitution (see Sections 6.c. and 6.f.).

While the law prohibits discrimination in employment and in rates of pay for equal or similar work, the Government acknowledged that in practice a gender earnings gap persists. Statistics for the second quarter of the year showed that women earned 86 percent of men's average ordinary hourly wage, up from 84.8 percent in 1999.

*Children.*—The law provides specific safeguards for children's rights and protection. The Government demonstrates its commitment to children's rights and welfare through its well-funded systems of public education and medical care.

Child abuse gained significant attention during the year, especially after the deaths of three toddlers were linked to physical abuse. Publicity rose after a report by the Children's Commissioner blamed the 1999 death of a 4-year-old child on state agencies that had returned him to an abusive home. In July a toddler was killed and a second child suffered brain damage as a result of abuse by family members. In August caretakers were tried and convicted for the May 1999 and January 2000 beating deaths of a 6-year-old and a 3-year-old child. During 1998 and 1999, Child, Youth, and Family Services confirmed 1,660 cases of physical abuse, 1,375 cases of sexual abuse, and 1,414 cases of severe emotional abuse of children. Preliminary statistics for 1999 and 2000 showed little change in the prevalence of abuse. In 1997, the most recent year for which statistics are available, 12 children under age 15 died in assaults, including 7 who died from child battering. The Government reported that Maori children are four times as likely as non-Maori children to require hospital care for injuries resulting from deliberate harm. In August the Government instituted an expanded program of information sharing between court and health and child protection agencies to identify children at risk of abuse. Under the program, notifications to child protection agencies of at-risk children increased by 30 percent in the first month. Applications to Family Court under the Domestic Violence Act included protection of more than 33,000 children.

There are a small number of documented cases of female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. FGM traditionally is not practiced in the country, but cases have been documented in the Somali, Sudanese, and Ethiopian immigrant communities. The influx of persons from countries where FGM is prevalent has slowed. It is illegal to perform FGM or to remove a child from the country to carry out the procedure. To address FGM, the Government sponsored public awareness campaigns, a child protection network, and a special clinic at the country's largest women's hospital.

Incidents of trafficking in children for sexual purposes also were documented during the year. The Government works with the NGO, ECPAT NZ, to combat trafficking in children and to develop legislation that would criminalize trafficking (see Section 6.f.).

*People with Disabilities.*—The law prohibits discrimination against people with disabilities in employment, education, access to places and facilities and the provision of goods, services, and accommodation. Compliance with access laws, mandated by the Human Rights Act and the Disabled Persons Community Welfare Act, varies

as business owners and others strive to make necessary adaptations. The Government has not complied fully with equal access laws prohibiting discrimination on the basis of disability in areas such as public transportation and public accommodation. In 1999 the Government granted itself a partial exemption from sections of the Human Rights Act that concern physical disability. The Government must comply by December 31, 2001 with laws and regulations relating to discrimination based on physical disability. The Human Rights Commission reported during the year that it received more complaints of discrimination based on disability than any other type of discrimination. The International Labor Organization (ILO) criticized the Government for not collecting adequate data on the employment of the disabled.

*Indigenous People.*—Approximately 15 percent of the population claim at least one ancestor from the country's indigenous Maori or Moriori minorities. While the law prohibits discrimination against the indigenous population, the Government's Closing the Gaps report, released in May, noted the continuing disproportionate number of Maori included on the unemployment and welfare rolls, among the prison population, among school dropouts, in infant mortality statistics, and among single-parent households. For example, the official Maori unemployment rate (19 percent) is over three times that for nonMaori. Maori officials expressed concern over the Government's announcement in November that it would shift its Closing the Gaps strategy to address socio-economic disparities rather than race-based disparities. Maori inmates constitute more than half the prison population, even though Maori are only 15 percent of the general population. The Government addressed this problem through Maori focus units, which integrate Maori values into the rehabilitation program. A special program for Maori sex offenders, Kia Marama, halved the rate of recidivism among those who participated.

Government policy recognizes a special role for indigenous people and their traditional values and customs, including cultural and environmental issues that have an effect on commercial development. The Ministry of Maori Development, in cooperation with several Maori NGO's, seeks to improve the status of indigenous people. A special tribunal continues to hear Maori tribal claims to land and other natural resources stemming from the 1840 Treaty of Waitangi.

*National/Racial/Ethnic Minorities.*—Pacific Islanders, who make up 5 percent of the population, are not an indigenous people, but they experience difficulties similar to Maori. Asians, who make up under 5 percent of the population, also experience discrimination. In August a citizen of Western ancestry was convicted of manslaughter for stabbing her Cambodian neighbor over 150 times. The judge ordered the lengthiest permissible sentence because of evidence that the killing was racially motivated. Pacific Islanders also are overrepresented in the prison system. They comprise only 5 percent of the general population but account for 10 percent of inmates.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers have the right to establish and join organizations of their own choosing. The principal labor organization is the New Zealand Council of Trade Unions, a federation that includes unions representing various trades and locations. During the year, the Council of Trade Unions merged with the second-largest labor federation, the New Zealand Trade Union Federation. As a result, nearly all unionized workers are members of the Council of Trade Unions. A few small, independent labor unions also exist.

Labor organization is rudimentary in the territory of Tokelau (population 1,500) and in the Freely Associated State of Niue (population 1,700). In the more developed Associated State of the Cook Islands (population 19,000), most workers in the public sector, the major employer, belong to the Cook Islands Workers' Association, an independent local union inspired by New Zealand models. Industrial relations in the Cook Islands are governed by a simplified version of older national legislation.

The law protects unions from governmental interference, suspension, and dissolution. Unions do influence legislation and government policy. Some unions are affiliated with the Labor Party; others operate independently of political parties; all are free to support parties whose policies they favor. Unions often exercise the right to strike. Significant limitations on the right to strike were eliminated when the Employment Relations Act (ERA) replaced the Employment Contracts Act in October; unions are not limited to strikes related to the negotiation of a collective contract and can strike in pursuit of multiemployer contracts across an entire economic sector.

In the 12 months that ended in June there were 31 work stoppages, involving approximately 10,400 workers and the loss of approximately \$1.9 million (\$NZ 4.6 million) in wages and salaries.

Under the Police Act of 1958 and amendments, "sworn police officers," that is, all uniformed and plainclothes police but excluding clerical and support staff, are barred from striking or taking any form of industrial action. However, police have freedom of association and the right to organize and to bargain collectively. Disputes that cannot be settled by negotiation between the Police Association and management are subject to compulsory, final-offer arbitration.

The Freedom of Association Committee of the International Labor Organization (ILO) ruled in 1994 that the Employment Contracts Act of 1991 does not promote collective bargaining and limits the right of freedom of association and the right to strike in a manner inconsistent with ILO conventions. The Government contends that the ERA, which replaced the Employment Contracts Act in October, is consistent with ILO conventions. Discussions with the ILO to confirm this understanding were in progress at year's end. Sympathy strikes, secondary strikes, and strikes over social or political causes are illegal. In June a brief strike was staged by the Council on Trade Unions that expressed political solidarity with Fijian unionists in reaction to the overthrow of the government of Fiji. The Minister of Labor, who also is the Attorney General, did not take any enforcement action against the strikers or the Council.

Unions may affiliate internationally. The New Zealand Council of Trade Unions is affiliated with the International Confederation of Free Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right of workers to organize and contract collectively, and this right is observed in practice. During the year, the Government changed the law governing industrial relations significantly. It repealed the Employment Contracts Act of 1991 and replaced it with the Employment Relations Act (ERA) on October 2. The ERA promotes collective bargaining, strengthens unions, and requires that parties to an employment agreement bargain in good faith to achieve either a collective or individual employment agreement. The act also promotes mediation and attempts to reduce the need for judicial intervention. The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively.

Unions represent fewer than 20 percent of all wage earners. Under the ERA, employment relationships are based on contracts. Individual employees and employers may choose to conduct negotiations for employment contracts on their own behalf, or they may authorize any other person or organization to do so on their behalf. Although choosing a union is entirely voluntary, unions have remained the most common agents used by workers to negotiate with employers. Employers must recognize a representative authorized by an employee or employees.

The Government does not control mediation and arbitration procedures. The ERA strongly encourages mediation, and requires that the majority of employment disputes first proceed through mediation. It also establishes a Employment Relations Authority as an investigative body to establish the facts of an employment relationship dispute and to make a determination according to the merits of the case. The Authority replaces the previous Employment Tribunal. An employment court remains, with exclusive jurisdiction over employment matters. Appeals from the employment court to the court of appeal are possible. Firing an employee for union activities is grounds for a finding of unjustified dismissal and may result in reinstatement and financial compensation.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including forced and bonded labor by children; however, trafficking in women and children is a problem. Inspection and legal penalties ensure respect for the provisions. There were reports of the involuntary detention of women involved in prostitution, and the trafficking of women for prostitution (see Section 6.f.). In April the Government convicted and fined the operators of a factory in Auckland in which workers had been exploited; seven Thai women escaped slave labor conditions in October 1999 (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Government prohibits forced and bonded child labor and enforces this prohibition effectively; however, trafficking in children is a problem (see Sections 6.c. and 6.f.). Department of Labor inspectors effectively enforce a ban on the employment of children under the age of 15 years in manufacturing, mining, and forestry. Children under the age of 16 may not work between the hours of 10 p.m. and 6 a.m. In addition to explicit restrictions on the employment of children, compulsory education ensures that children under the minimum age for leaving school (16 years) are not employed during school hours. By law children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education.

The Government announced that it would ratify ILO Convention 182 but did not define the worst forms of child labor.

*e. Acceptable Conditions of Work.*—The law provides for a minimum 3-week annual paid vacation and 11 paid public holidays. A 40-hour workweek is traditional. While the law does not provide specifically for a 24-hour rest period weekly, management and labor accept the practice, and it is the norm. The government-mandated hourly minimum wage of approximately \$3.20 (SNZ 7.55) applies to workers 20 years of age and older. Combined with other regularly provided entitlements and welfare benefits for low-income earners, this wage generally is adequate to provide a decent standard of living for a worker and family. The minimum wage for younger workers is 60 percent of the adult minimum. A majority of the work force earns more than the minimum wage. The current youth minimum wage of approximately \$1.90 (SNZ 4.55) applies to workers of ages 16 to 19. In December the Government announced minimum wage increases that would take effect in March 2001.

An extensive body of law and regulations govern health and safety issues, notably the 1992 Health and Safety in Employment Act. Under this legislation, employers are obliged to provide a safe and healthy work environment, and employees are responsible for their own safety and health as well as ensuring that their actions do not harm others. As a result of union criticism, the act is under review by Parliament. Workers have the legal right to strike over health and safety issues. Unions, and members of the general public may file safety complaints on behalf of workers. Department of Labor inspectors enforce safety and health rules, and they have the power to shut down equipment if necessary. The Department of Labor standard is to investigate reports of unsafe or unhealthy working conditions within 24 hours of notification. Workers have the right to withdraw from a dangerous work situation without jeopardy to continued employment.

*f. Trafficking in Persons.*—The law does not address trafficking in persons specifically, and the applicable related crime, aiding and abetting the breach of immigration regulations carries relatively light penalties; however, prostitution is legal. Laws against child sexual exploitation and slavery carry penalties of up to 14 years in prison and recently have been used to prosecute citizens employing foreign prostitutes.

Incidents of trafficking in children for sexual purposes also were documented during the year. The Government is working to develop legislation to criminalize trafficking and works with an NGO, ECPAT NZ, to combat trafficking in children, and a coalition in Auckland was established to provide information to persons at risk of being trafficked into the country. (see Section 5).

Trafficking in women and children (particularly from Thailand) to work in the sex industry is a small but growing problem. There were several credible reports that women were trafficked into the country during the year. Domestic NGO's and the Human Rights Commission assisted six Thai women in repatriating to Thailand after they escaped forced work in the sex industry. One of the women sued in New Zealand to recover money that she had paid to traffickers; she claimed that the defendants had advertised the work as catering or agriculture. In October 1999, seven Thai women were freed from slave labor conditions in an Auckland factory (see Section 6.c.).

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## PALAU

Palau, an archipelago of more than 300 islands in the Western Pacific with a population of approximately 18,500 that formerly was a U.N. trusteeship administered by the United States, became an independent nation in free association with the United States on October 1, 1994. The democratically elected government is modeled after that of the United States. The Constitution provides for free and fair elections, and executive and legislative branches. The legislature, the Olbiil Era Kelulau, is composed of two equal houses, the 9-member Senate and the 16-member House of Delegates. The country is organized politically into 16 states. The judiciary is independent.

Palau has no security forces other than local police and civilian law enforcement personnel, all are under the firm control of civil authorities. Palau also has a Marine Law Enforcement Division that patrols its borders with assistance from the Australian Government. Under the Compact of Free Association, the United States is responsible for the Republic of Palau's defense.

With per capita gross domestic product of \$7,510, Palau is a medium income country with a small, market-based economy largely sustained by transfer payments from the United States. The Government employs nearly half of the work force.

Tourism and other service sectors account for most other paid employment. Tuna, harvested by foreign-operated fleets, is the dominant export. Several small-scale operations, employing foreign workers, assemble clothing from imported materials for export. Traditional subsistence agriculture and fishing is diminishing as people move to the city in search of employment. Also an increasing number of Chinese farmers operate vegetable farms that compete with indigenous farmers; most indigenous farmers work and sell what they produce from their own land.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Traditional customs sustain a value system that discriminates between persons on the basis of social status and sex. The loosening ties of the extended family and the increasing abuse of alcohol and other drugs are major contributing factors that lead to instances of domestic violence and child neglect. Societal discrimination against certain foreign workers, who account for nearly 30 percent of the population and 46 percent of the paid work force, is also a serious problem.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judiciary comprises the Supreme Court, the National Court, and the Court of Common Pleas. The President appoints judges to the Supreme Court and National Court from a list recommended by the Judicial Nominating Commission. Appointments are for life.

The Government has an independent special prosecutor and an independent public defender system. The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

##### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government respects them in practice.

The Government has not formulated a policy regarding refugees, asylees, or first asylum, and government practice remains undefined. However, there were no reports of the forced expulsion of anyone having a valid claim to refugee status.

##### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There are no legal impediments to women participating in government and politics; however, women are severely underrepresented in government. As a result of the 1996 general elections, a woman gained a Senate seat for the first time. Women hold office in 10 of the 16 state legislatures, where they constitute 7 percent of the membership.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government has a history of openness to a variety of human rights groups without restriction. Government officials have met with representatives of these groups and foreign officials regarding the civil rights of foreign minority workers. Government officials generally are cooperative and responsive to their views. The Palau Red Cross Society opened its office in 1996; having satisfied all requirements, the Society has applications pending for full membership in the International Federation of Red Cross and Red Crescent Societies.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination on the basis of sex, race, place of origin, language, religion or belief, social status, or clan affiliation, and the Government generally respects these provisions.

*Women.*—There are occasional incidents of violence against women, mainly domestic abuse. Alcohol and other drug abuse increasingly contribute to this problem. According to the Attorney General's office, the Government's Public Health Office, and women's groups, only a few such cases are reported to the authorities every year, but many more are believed to be unreported. Although assault is a criminal offense, women are reluctant to prosecute their spouses.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. Women serve by presidential appointment as bureau directors for women's interests, human resources, and clinical services. There were no reported instances of unequal pay for equal work or sex-related job discrimination.

In 1993 local women's groups organized an annual women's conference that focuses on women's and children's issues including health, education, drug abuse, prostitution, and traditional customs and values. Each year government officials including the President, Vice President, ministers, and traditional chiefs have participated in the conference to discuss these issues. Women's group leaders and government officials agree that changes are needed to improve the country's educational system and to reduce drug use among youth.

*Children.*—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. There is no societal pattern of abuse directed against children. Child prostitution is neither accepted within the culture nor practiced. There is no difference in the treatment of girls and boys in educational opportunities, or in the availability of scholarships to attend postsecondary education abroad. Girls and boys receive equal treatment in health care services.

Child abuse is thought to be uncommon, and there have been few child abuse prosecutions. While children's rights generally are respected, there were reports of several instances of child neglect, which is a byproduct of the breakdown of the extended family.

Government officials and representatives from nongovernmental organizations agree that changes are needed to improve the educational system and to reduce drug abuse among youth.

*People with Disabilities.*—The National Code includes a Disabled Persons Anti-discrimination Act and a Handicapped Children Act. No instances of discrimination against the disabled were reported. In 1998 a law requiring building access for the disabled was passed. The public schools have established special education programs to address problems encountered by those with disabilities.

*National/Racial/Ethnic Minorities.*—Non-Palauans are prohibited from purchasing land or obtaining citizenship. The rapid increase in the number of foreign workers, who now constitute nearly 30 percent of the population and 46 percent of the work force, is viewed negatively by a majority of citizens. Foreign residents are subject to some forms of discrimination and are targets of petty, and sometimes violent, crimes, as well as other random acts against person and property. Credible complaints are made by foreign residents that crimes against non-Palauans are not pursued or persecuted by authorities with the same vigor as crimes against citizens. Certain foreign nationals experience generalized discrimination in employment, pay, housing, education, and access to social services, although such discrimination is prohibited by law. While precise data is lacking, there continue to be anecdotal reports about abuse of workers' civil rights perpetrated against domestic helpers, bar girls, construction laborers, and other semiskilled workers, the majority of whom are from the Philippines, China, and Bangladesh. The most common abuses identified are misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and, sometimes, physical abuse. In a number of instances, local

authorities have taken corrective action when alerted by social service and religious organizations to which foreign workers have turned for assistance. Nonetheless, foreign workers often are reluctant to seek legal redress for fear of losing their employment and, thus, permission to remain in the country.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right of all persons to assemble peacefully or to associate with others for any lawful purpose, including the right to organize and to bargain collectively. There are no active employee organizations.

*b. The Right to Organize and Bargain Collectively.*—The Constitution does not

specifically exempted contract workers in the 1998 minimum wage bill to ensure a continued supply of low cost labor in industries that the legislators often control.

There is no legislation concerning maximum hours of work, although most businesses are closed on either Saturday or Sunday. The Division of Labor has established some regulations regarding conditions of employment for nonresident workers. The Division may inspect the conditions of the workplace and employer-provided housing on specific complaint of the employees, but actual enforcement is sporadic; working conditions vary in practice. No legislation specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no legislation protects workers who file complaints about such conditions.

*f. Trafficking in Persons.*—The Constitution prohibits trafficking in persons, and there are no reports that persons were trafficked to, from, within, or through the country.

## PAPUA NEW GUINEA

Papua New Guinea (PNG), which comprises some 1,000 tribes and over 800 distinct languages in a population of about 4 million, has a federal parliamentary system, based on universal adult suffrage with periodic free and fair elections. The judiciary is independent.

The Government has constitutional authority over the Defense Force (PNGDF), the Royal Papua New Guinea Constabulary (RPNGC), and intelligence organizations. Members of the police force committed serious human rights abuses.

The economy relies heavily on the export of minerals, hydrocarbons, tropical timber, and tree crops such as coffee, cocoa, and copra, and is sensitive to changes in world commodity prices. During the year, the national currency, the PNG kina, strengthened due in part to the Government's economic reforms. Later in the year, slack commodity prices and rising fuel costs undermined the kina's external value and slowed economic growth. Poor performance by the public health and education systems are among the country's most important challenges. Crime, especially in urban areas, is a growing problem. Approximately 85 percent of the population resides in isolated villages and engages in subsistence and smallholder agriculture. For a majority of citizens, income and educational levels are low and infant and maternal mortality rates are high.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police committed extrajudicial killings, beat suspects, and engaged in excessively punitive and violent raids. The Government on occasion investigated allegations of abuse and prosecuted those believed responsible. Prison conditions in several areas continued to be poor. Court understaffing reduced court sittings and increased pretrial detention periods for many persons. Police infringed on citizens' privacy rights. The Government continued to limit freedom of assembly in the form of marches or demonstrations, and imposed some restrictions on freedom of movement. Extensive violence and discrimination against women are problems, and abuse of children appears to be growing. Discrimination against the disabled persists, and violence between tribes remains a serious problem.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Several instances of killing by police were reported during the year. According to police reports, most occurred during gunfights with criminal suspects who were resisting arrest. However, in at least one case in Port Moresby, police beat a youth to death in front of bystanders. In another Port Moresby case, police apprehended an intoxicated man, and his corpse subsequently was discovered in an isolated area.

All police shootings are investigated by the police department's internal affairs office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police in such circumstances also may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations also are investigated and reviewed by a coroner's court.

No human right violations were reported in connection with military operations during the year. However, although four soldiers suspected of complicity in the kill-



ing of Bougainville Transitional Government Premier Theodore Miriung in 1996 were questioned by police in 1999, no arrests were made and no further progress has been reported.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids torture and other cruel or degrading treatment or punishment; however, police often beat suspects during arrests and allowed members of the public to beat suspects as well. During the year, policemen in various localities were charged with raping female detainees.

Prison conditions are poor. The prison system suffers from serious underfunding, which results in the deterioration of infrastructure and poor delivery of services. Three prisons in which conditions previously were described as “life threatening” remained closed because of unsanitary conditions; prisoners in some of those areas are confined in crowded conditions in police stations. Some prisons, particularly those in urban areas, are seriously overcrowded. Prison guards’ living conditions are as poor as those of the prisoners. During the year, there were several prison escapes. Overcrowding is exacerbated in rural areas by infrequent court sessions and bail restrictions for certain crimes (see Section 1.d.).

The Government permits prison visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The courts generally enforce constitutional protections against arbitrary arrest and detention. In 1994 the Supreme Court found unconstitutional portions of the 1993 Internal Security Act which were inconsistent with due process provisions of the Constitution. Under 1993 amendments to the Bail Act and the Criminal Code, only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, the police or magistrates may grant bail. Suspects who are arrested have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review.

Due to limited police and judicial resources and a high crime rate, suspects often are held in pretrial detention for a long time, particularly in rural areas. Pretrial remand is subject to strict judicial review through continuing pretrial consultations, especially at the National Court level. However, cases frequently are delayed for months awaiting results of police investigations. Additionally circuit court sittings were infrequent because of a shortage of judges and budget difficulties, delaying both the trial process and the rendering of decisions. Some detainees have been held in jail for as long as 2 years because of the shortage of judges. An increase in the number of full-time judges, which was granted in September, is expected to improve the situation.

After Parliament named Sir Mekere Morauta Prime Minister in July 1999, government departments issued orders preventing foreign advisers to the former government from leaving the country. To date the authorities have shown no legal basis for these actions, and they were dropped after court reviews.

Exile is prohibited by the Constitution and is not practiced.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the courts are independent of executive, legislative, and military authorities.

The Supreme Court is the final court of appeal and has original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district courts established at the provincial level. There are also village courts headed by lay persons, who judge minor offenses under both customary and statutory law.

The legal system is based on English common law. The Constitution provides for due process, including a public trial, and the court system generally enforces these provisions. Defendants have the right to an attorney. Legal counsel is provided by the Public Solicitor’s office for those accused of “serious offenses” who are unable to afford counsel. Serious offenses are defined as charges for which a sentence of 2 years or more is the norm. Defendants and their attorneys may confront witnesses, present evidence, plead cases, and appeal convictions. The shortage of judges creates delays both in the process of trials and in the rendering of decisions (see Section 1.d.).

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The authorities generally respect citizens’ privacy rights, although there were instances of abuse, such as police destruction of property in May (see Section 1.c.). In January a large force of heavily armed police searched the home of a man accused of a non-violent offense. He protested to the court that the search procedures were politically inspired. The court agreed and found police methods excessive and contrary to constitutional protections of privacy.

Although provisions in the Constitution require warrants, the police continued to conduct warrantless searches and raids.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for free speech, including freedom of the media, and the Government generally respects these freedoms in practice.

The media provided independent coverage and analysis of major issues, including accusations of corruption and immoral behavior directed at leading political figures.

The combined circulation of 2 daily English-language newspapers is less than 60,000. Two weekly newspapers, one in English and one in Pidgin (the national lingua franca), also are published. All freely express a variety of editorial viewpoints and report on controversial issues such as alleged abuses by police and security forces, cases of alleged corruption by government officials, and political opposition views. A Malaysian firm, which has invested heavily in the country's timber industry, owns one of the dailies; the newspaper publishes little on the controversial subjects of logging and forestry, but it is generally independent and unbiased on other issues.

The television broadcasting company, EM-TV, is independent. Television reception is limited mostly to the capital and provincial centers. The government-owned National Broadcasting Corporation owns two radio networks whose effectiveness is limited by inadequate funding and deteriorating equipment. A privately owned radio network, NAU-FM, is popular in Port Moresby and is expanding to other areas of the country.

The Government respects academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government limits this right in practice. Public demonstrations require police approval and 14-days' notice. Police assert that they fear violence from unruly spectators and rarely give approval.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Associations that wish to open a bank account and conduct financial transactions are required to register for this purpose. The process of registration may be slowed by bureaucratic inefficiency, but there is no policy of denying registration. International affiliation of church and civic groups is permitted freely.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government usually does not restrict freedom of movement within and outside the country. However, after taking office in 1999, the present Government, with no legal basis, prevented foreigners engaged as advisers by the previous government from leaving the country (see Section 1.d.). A reservation to the 1951 U.N. Convention Relating to the Status of Refugees regarding the issuance of travel documents restricted the travel of some Irian Jayans residing in a refugee camp in the western part of the country.

Movement within Bougainville is free for all groups. Internally displaced persons are free to return to their homes, and virtually all have done so. According to the U.N. High Commissioner for Refugees (UNHCR), there are very few persons who meet the criteria for refugee status. The Solomon Islands Red Cross reports that other Bougainvillians who sheltered there have been returning home and none remained under its care. Those remaining are employed professionals. The Government negotiated agreements with the Government of the Solomon Islands to establish the means for traditional border crossers in southern Bougainville and the northern Solomon Islands to pass easily between the two countries.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted enabling legislation. The Government cooperates with the UNHCR, and has not forced any persons to return to countries where they feared persecution. The Government provides first asylum for approximately 3,500 persons who fled from the neighboring Indonesian province of Irian Jaya (also known as Papua or West Papua). An equal number reside in informal, unrecognized camps adjacent to the border with Indonesia. The Government cooperates with the UNHCR in assisting the Irian Jayans who live in the East Awin refugee camp in Western Province and has administered the camp since 1996, when the UNHCR office closed. The UNHCR began to reduce the scale of its operations in Western Province in 1999 and coordinates the voluntary return of refugees to their homes in Irian Jaya. However, late in the year there was an upsurge in the number of border crossers coming from Irian Jaya. The Government has a policy of limited integration for Irian Jayans with certain skills or other qualifications,

who are accorded limited residency status and are permitted to leave the refugee settlement. During 1999 the Government distributed over 1,500 permissive residency certificates to Irian Jaya refugees. Irian Jayans who chose not to apply for permissive residency returned to Indonesia on a voluntary basis under the supervision of the Government and the UNHCR. Those who violate conditions of their residency can be repatriated. There were no known forced repatriations of Irian Jayans to Indonesia. Several thousand traditional border crossers live in the border area and move freely between the two countries. According to the UNHCR, 171 Irian Jayans from the East Awin refugee camp were repatriated to Indonesia's Irian Jaya Province under UNHCR auspices.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens freely exercise their right to change the government through direct elections with a secret ballot and universal adult suffrage. Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District. Any citizen can stand for election. Because of the high number of candidates for Parliament, some members have won election with less than 10 percent of the total votes cast.

The most recent general election was held in June 1997. Of the 109 seats in Parliament, 55 seats changed hands. A coalition government, led by Prime Minister Bill Skate, was formed following the election. In July 1999, faced with a threatened vote of no confidence, Prime Minister Skate resigned, and the Parliament subsequently elected Sir Mekere Morauta as Prime Minister.

The law provides that a losing candidate may dispute the election of the winning candidate by filing a petition with the National Court. Such petitions may question actions of the candidate and his supporters or allege malfeasance by the election officials. The procedure is fair, but is time consuming and expensive both to initiate and to defend. Following the 1997 election, 88 such petitions were filed. The majority of complaints were made against winning candidates or their supporters. The court accepted 40 of the petitions for trial. Some of these cases still are undecided.

Although there are no legal barriers to the participation of women in political life, they are underrepresented in government and politics. Two women were elected to the 109-member Parliament in the 1997 elections.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no official barriers to the formation of human rights groups. The Government cooperates with human rights nongovernmental organizations (NGO's), but sometimes is slow in responding to their requests for information. The International and Community Rights Advocacy Forum, formed in 1993, concentrated on human rights and the environment.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for equal protection under the law irrespective of race, tribe, place of origin, political opinion, color, creed, religion, or sex. Despite these constitutional and other legal provisions, women often face discrimination.

Extreme geographic diversity prevents any one tribe or clan from dominating the country. The democratically elected government, based on loose coalitions, consistently has avoided favoring any group. Skirmishes and conflicts tend to be based on disputes between clans over issues such as boundaries, land ownership, injuries, and insults suffered by one clan at the hands of another; they are not ethnically based. In the past, clan and tribal warfare was ritualized and fought with traditional weapons; the availability of firearms has made such conflicts deadlier.

*Women.*—Violence against women, including domestic violence and gang rape, is a serious and prevalent problem. Traditional village mores, which served as deterrents, are weakening and are largely absent when youths move from their village to a larger town or to the capital. Although rape is punishable by imprisonment, and sentences are imposed when assailants are found guilty, few assailants are apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecutions makes the crime difficult to combat. Domestic violence, such as wife beating, also is common and is a crime. However, since most communities view domestic violence as a private matter, and few victims press charges, prosecutions are rare.

Violence committed against women by other women frequently stems from domestic disputes. In areas where polygyny is still customary, an increasing number of women have been charged with the murder of another of their husband's wives. Ac-

according to one report, 65 percent of women in prison are there for attacking or killing another woman.

The Constitution and laws have provisions for extensive rights for women dealing with family, marriage, and property issues. Some women have achieved senior positions in business, the professions, and civil service. However, traditional patterns of discrimination against women persist. Many women, even in urban areas, are considered second-class citizens. Village courts tend to impose jail terms on women found guilty of adultery, while penalizing men lightly or not at all. Circuit-riding National Court justices frequently annulled such village court sentences. In 1996 the Government approved amendments to the Village Courts Act requiring that orders for imprisonment be endorsed by a district court before they take effect. Polygyny and the custom of paying a bride price tend to reinforce the view that women are property.

In addition to the purchase of women as brides, women also are sometimes given as compensation to settle disputes between clans. The courts have ruled that such settlements are a denial of the women's constitutional rights.

According to statistics published in the U.N. Development Program's 1999 report on human development, women are gaining rapidly on men in literacy and education. Adult literacy has risen to 73 percent of the population. Sixty-five percent of women are literate, trailing men by 21 percent. There are 15 percent fewer girls in primary schools than boys. Maternal mortality levels remain relatively high at 930 deaths per 100,000 live births.

There is an Office of Women's Affairs in the Office of Church and Family Services of the Ministry of Provincial Affairs.

*Children.*—The Government did not dedicate significant resources to protecting the rights and welfare of children. Most programs to protect and develop youth and children are operated by NGO's and religious organizations. Many government programs are underfunded. In the past, children have been well cared for within the family and under traditional clan and village controls. However, preliminary, small-scale studies indicate that this situation has changed over the last decade, especially in areas where households have become isolated from the extended family support system and depend on the cash economy for a livelihood. According to a report prepared by the Government and UNICEF, the sexual abuse of children is believed to be prevalent. Because of the geographic isolation and remoteness of many villages, malnutrition and infant mortality rates are very high. More than 60 of every 1,000 children born do not survive their first year.

*People with Disabilities.*—Through the National Board for the Disabled, the Government provides funds to a number of NGO's that provide services to the disabled. The Government does not provide programs or services directly. Services and health care for the disabled, except for those provided by the traditional clan and family system, do not exist in several of the country's provinces. There is no legislation mandating accessibility for the disabled. Disabled persons face discrimination in education, training, and employment. Most disabled persons do not find training or work outside the family structure.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The right to form and join labor unions is provided by law, subject to registration by the Department of Industrial Relations. The Government does not use registration to control unions. However, an unregistered union has no legal standing with the Department of Labor and Employment or before the courts and thus cannot operate effectively. About half of the 250,000 wage earners in the formal economy are organized and are members of approximately 50 trade unions. Most of the unions representing private-sector workers are associated with the Trade Unions Congress. The Public Employees Association represents an estimated 23,000 persons employed by national, provincial, and municipal governments, or one-third of the public sector work force. Unions are independent of the Government and of political parties.

There were no government efforts to hinder either public or private sector unions from exercising their right to strike. However, there were no noteworthy strikes during the year. In 1999 the courts ruled that both the union and the national airline had acted illegally during a strike that year. The airline complied with a court order to rehire mechanics who had been dismissed during the strike.

Unions may affiliate freely with international organizations.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for the right to engage in collective bargaining and to join industrial organizations. These rights are exercised freely. Under the law, the Government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. This law was criticized by the International Labor

Organization in 1994. The law prohibits antiunion discrimination by employers against union leaders, members, and organizers. The Department of Industrial Relations and the courts are involved in dispute settlement. Wages above the minimum wage are set through negotiations between employers and employees or their respective industrial organizations.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution forbids slavery and all forms of forced, compulsory, or bonded labor, including that performed by children, and there were no reports of such practices.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Employment Act establishes the minimum working age as 18. However, children between the ages of 11 and 18 may be employed in a family-related business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment is rare, except in subsistence agriculture. Forced and bonded labor by children is prohibited and is not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—Minimum wages for the private sector are set by the Minimum Wage Board, a quasi-governmental body with labor and employer representatives. The Board made a determination in 1992, which is still valid, that reduced the minimum wage for newly hired urban workers to the level of the minimum wage for rural workers. Also in 1992, the national youth wage, for new entrants into the labor force between 16 and 21 years of age, was set at 75 percent of the adult minimum wage. The adult minimum wage of \$9.87 (22.96 kina) per week does not provide a decent standard of living for a worker and family who live solely on the cash economy. The Minimum Wage Board reconvened in mid-year to review the current minimum wage and made no change. Although the Department of Labor and Employment and the courts attempt to enforce the minimum wage law, enforcement is not effective due to a lack of resources. Minimum wage levels, allowances, rest periods, holiday leave, and overtime are regulated by law. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas. The law provides for at least one rest period of 24 consecutive hours every week. Enforcement is lax.

Enforcement of the Industrial Health and Safety Law and related regulations is the responsibility of the Department of Labor and Employment. The law requires that work sites be inspected on a regular basis. However, due to a shortage of inspectors, inspections take place only when requested by workers or unions. Workers' ability to remove themselves from hazardous working conditions varies by workplace. Unionized workers have some measure of protection in such situations.

*f. Trafficking in Persons.*—The Constitution does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

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## PHILIPPINES

The Philippines is a democratic republic with an elected President, an elected bicameral legislature, and a functioning political party system. The President is Commander-in-Chief of the armed forces. The President from 1998 through year's end was Joseph Estrada. In November the House of Representatives sent to the Senate articles of impeachment of President Estrada, citing bribery and corruption and other violations of the Constitution. His trial in the Senate began on December 7 and continued at year's end. An organized Communist insurgent group operates in many regions of the country. A large Muslim separatist group operates mainly in parts of the south. Many armed clashes took place during the year; several involved serious human rights abuses by both sides. Negotiations between the Government and both insurgent groups were stalemated at year's end. The judiciary is independent, but suffers from inefficiency and corruption.

The Department of National Defense (DND) directs the Armed Forces of the Philippines (AFP), and the Department of Interior and Local Government (DILG) has authority over the civilian Philippine National Police (PNP). The AFP, which has primary responsibility for counterinsurgency operations, also is involved in traditional law enforcement efforts, including the pursuit of kidnapers, whose actions are a chronic criminal problem. Some members of the security forces, including police, soldiers, and local civilian militias, committed human rights abuses, often during counterinsurgency operations.

The Philippines has a market-based, mixed economy. Agriculture contributes about 20 percent of gross domestic product (GDP), but accounts for more than 40

percent of employment. Principal crops include corn, sugar, and rice, most of which are consumed domestically. Export crops include coconut products and fruits. Manufacturing, particularly electronics and electronic components, accounts for nearly two-thirds of export receipts, although the rate of growth in electronics exports slowed considerably during the year. Annual per capita GDP was approximately \$999. Income distribution is highly skewed: The richest 30 percent of families earned nearly two-thirds of national income, while the poorest 30 percent received only 9.3 percent of national income, according to the most recent (1997) Family Income and Expenditure Survey. Urban incomes averaged 2.43 times rural incomes. Overseas worker remittances, estimated at \$6 billion per year, are a major source of foreign exchange.

The Government generally respected the human rights of citizens; however, there were serious problems in some areas. Members of the security services were responsible for extrajudicial killings, disappearances, torture, and arbitrary arrest and detention. Other physical abuse of suspects and detainees and police corruption remain problems. The Government's Commission on Human Rights (CHR), established under the 1987 Constitution, again described the PNP as the worst abuser of human rights. Police leaders at times appeared to sanction extrajudicial killings and brutality as expedient means of fighting crime. The Government took some steps to stop military and police abuses; however, such actions were not sufficiently effective. Government forces were responsible for disappearances. Prison conditions are harsh. The Government was ineffective in reforming law enforcement and legal institutions. The court system, with its poorly paid, overburdened judges and prosecutors, remained susceptible to corruption and to the influence of the wealthy and powerful and often failed to provide due process and equal justice for others. The courts were hindered by backlogs, limited resources, and a lack of judges. Long delays in trials were common. The authorities failed to prosecute many persons who broke the law, and some persons committed abuses with impunity. The Government at times infringed on citizens' privacy rights. The Government in some cases supported the forcible displacement of squatters from their illegal urban dwellings to make way for industrial and real estate development projects, often leading to disputes and human rights complaints.

An estimated 5 to 6 million citizens living abroad effectively are disenfranchised because the Government has not enacted a system of absentee voting, as required by the Constitution. Some local military and police forces harassed human rights activists. The CHR, whose primary mission is to investigate complaints of human rights violations, expanded the local monitoring system; at mid-year there were more than 14,000 local human rights officers nationwide, up by more than 1,000 from 1999. Although this is an improvement, CHR monitoring and investigation remain inadequate.

Violence and discrimination against women and abuse of children continued to be serious problems. Discrimination against indigenous people and Muslims persists. The law places restrictions on worker rights. Rural poverty is the major cause of the continuing child labor problem, which the Government has addressed only partially. Forced labor in the informal sector, the practice of using forced underage workers in domestic servitude, and forced child prostitution were problems. Trafficking in women and children was a serious problem.

The New People's Army (NPA), the main Communist insurgent group, and the Moro Islamic Liberation Front (MILF), the main Muslim insurgent group, both committed serious human rights abuses, including extrajudicial killings, kidnappings, torture, and detentions. The NPA's use of children as armed combatants and non-combatants continued to increase significantly. Fighting between the AFP and the MILF resulted in the large-scale displacement of noncombatants. Various factions of the terrorist Abu Sayyaf Group (ASG) committed numerous kidnappings, prompting government rescue efforts and the consequent displacement of civilians.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Police and military forces committed numerous extrajudicial killings. The CHR investigated 115 extrajudicial killings during the first half of the year, compared with 283 in all of 1999. The CHR includes killings by antigovernment insurgents in its investigations. The nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP) claimed that as of November 15, 91 civilians were killed for political reasons; 28 of these persons reportedly were victims of extrajudicial executions carried out by government forces.

In combating criminal organizations, police personnel sometimes resorted to summary execution of suspects, or "salvaging." Police spokesmen later reportedly claimed that these killings were an unavoidable result of the exchange of gunfire with suspects or of escape attempts. The CHR reported that members of the PNP were the alleged perpetrators of 27.5 percent of the human rights violations involving deaths that it investigated during the first 6 months of the year.

To curtail police and military abuses, the Government, working with the International Committee of the Red Cross (ICRC) and other international organizations, expanded human rights training programs during the year. The AFP requires human rights and humanitarian law training for all officers and enlisted personnel, including former Moro National Liberation Front (MNLF) combatants and for the more than 30,000 members of the Citizens Armed Forces Geographical Units (CAFGU's). CAFGU's were implicated in many past human rights abuses. The CHR also reviews and certifies the human rights records of AFP members being considered for promotion.

In May a police cadet at the National Policy Academy died as a result of cadet hazing permitted by instructors. Six instructors were reprimanded and given 6-month suspensions (see Section 1.c.).

Four police officers were charged with the June 7 killing of a motorcycle rider in Gapan, Nueva Ecija. Reportedly the death was connected with illegal drug protection.

On June 8 in Manila, police killed a Muslim scholar during an exchange of gunfire. Police stated that the victim was an MILF commander trained in the use of explosives and had fired first.

On July 9, police arrested two Manila police officers who were in possession of the body of a pedicab driver who reportedly had resisted their extortion demands. Three witnesses to the forcible abduction by police later were reported missing.

On July 17, Police officers shot and killed a murder suspect in Tupi, South Cotabato, after he had surrendered. Following an investigation, eight officers were charged with the killing.

On October 4, a PNP officer shot and killed a handcuffed suspect who had been arrested for attempted homicide. Police stated that the suspect was carrying a concealed weapon.

On November 17, a radio journalist in Pagadian, Zamboanga del Sur was killed by gunmen. The journalist's radio broadcasts reportedly had angered the police, the military forces, the MILF, and other citizens, who had sued him for libel.

On November 30, residents of Bagabag, Nueva Vizcaya, found two headless bodies, one of which was wearing handcuffs traced to the PNP.

On December 4, the mayor of Dona Remedios Trinidad, Bulacan, was killed, together with two assistants. Four police officers were detained, but were not charged by year's end. Police have exonerated the NPA. Earlier in the year, the previous mayor was killed in another ambush; that case also remained unsolved at year's end.

Reported killings by Communist insurgents during the year were numerous.

In April the NPA claimed responsibility for the killing of a former AFP officer in Tarlac City. It stated that the killing was an "execution" for the killing of an NPA officer in 1980.

In May the NPA admitted responsibility for the February 6 killing of the mayor of San Teodoro, Mindoro Oriental, a former intelligence officer in the AFP.

No NPA killings from 1999 or earlier years were closed during the year. Like many extrajudicial killings, killings attributed to the NPA often remain unsolved, or are dismissed for lack of evidence.

On June 5, MILF soldiers attempted to kill the mayor of Cabacan, North Cotabato. The mayor escaped but two of his bodyguards were killed.

On June 15, the NPA attacked and killed seven AFP soldiers and one CAFGU in Maslong, Eastern Samar. The soldiers were investigating the killing of a farmer by suspected NPA rebels. A CHR investigation found that the bodies of some of the AFP soldiers had been mutilated.

On June 21, NPA rebels attacked a police patrol in Tagbilaran, Bohol; they killed one police officer.

An NPA attack on June 27 in Jones, Isabela, resulted in the killing of 13 AFP members on a medical mission. A female NPA member reportedly admitted responsibility during interrogation.

On July 2, one AFP soldier and 7 NPA members, including 1 boy estimated to be 10 years of age, were killed in an encounter in Danao, Bohol.

On July 5 in Antipolo, Rizal, the NPA killed a woman, calling their action an execution. The local NPA command stated that the victim was a police informant and was involved in trafficking in persons for the purpose of prostitution.

On July 21 in Bulusan, Sorsogon, NPA members shot and killed a police officer in his home.

On August 21, 17 AFP soldiers were killed in an attack in Himamaylan, Negros Occidental. On September 5, the Government filed murder charges against a former priest who was an NPA member.

The AFP reported that three soldiers had been tortured and killed by the MILF in October in Maguindanao.

In February the AFP discovered mass graves in Cagayan de Oro City. Officials believe that the more than 100 victims were killed by the NPA during the mid-1980's.

*b. Disappearance.*—Government forces were responsible for disappearances. The CHR investigated 12 disappearances in the first half of the year, compared with 11 in all of 1999; the TFDP reported 12 disappearances through November. The domestic NGO, Families of Victims of Involuntary Disappearance (FIND), reported the disappearance of five suspected members of the MILF and six suspected members of the NPA. FIND reported that as of October, 1,678 cases of disappearance remained unsolved; some date back to the Marcos period that ended in 1986.

The courts and the police have failed to address complaints of victims' families concerning numerous past disappearances. FIND and Amnesty International's Manila office continued to support the efforts of the victims' families' to press charges, but in most cases evidence and documentation are unavailable. Court inaction on these cases contributes to a climate of impunity that undermines confidence in the justice system.

Three witnesses to a reported forcible abduction by police disappeared in July (see Section 1.a.).

In November a public relations agent and his driver disappeared. The agent allegedly possessed information damaging to the President in connection with his impeachment by the House of Representatives.

The ASG is a kidnap-for-ransom terrorist group that purports to seek an independent Islamic state in the southern Philippines. On March 20, an ASG faction attacked an AFP detachment on Basilan Island, kidnaped a Catholic priest, a school principal, and 50 teachers and students. In April the captors killed six hostages, including the priest. After the eventual release of some hostages and the turnover of others to the MILF, investigations revealed that some of the victims had been tortured and mutilated (see Section 1.c.). Two of the teachers had been beheaded, and the priest had been shot in the back (see Section 1.g.).

In April another ASG faction kidnaped 21 foreign tourists, foreign workers, and some citizens in Sabah, Malaysia, then transported them to Jolo Island in Sulu province. Unsuccessful rescue efforts by the military forces in May resulted in injuries to the hostages. According to one male hostage, a female hostage was raped by her captors. In July 13 Filipino Christian evangelists who visited the site to pray for the hostages themselves were taken captive. Several journalists reporting on the situation also were captured and released. In September an unsuccessful AFP attack to free the hostages reportedly involved indiscriminate bombing of civilian areas and numerous deaths and injuries to civilians (see Section 1.g.). All but one of the hostages were rescued or released, or had escaped from June through October. Several reportedly were released after payment of ransom. One hostage remained in custody at year's end. Another foreign hostage, kidnaped in August by a different ASG faction, also remained in custody at year's end.

In November in Sumisip, Basilan, an ASG faction kidnaped a teacher and her four children. The captors abandoned two of the children, then released the others later in November following intervention by local officials.

In February the NPA abducted a police officer in Tagbilaran, Bohol. He was released in December in Negros Oriental, suffering from a skin disease.

In August the NPA reportedly abducted a man in San Fernando, Camarines Sur. A former NPA commander stated that the abduction may have involved the victim's past involvement with the NPA and that the victim may have been "tried" in an NPA "people's court."

An AFP officer and a PNP inspector kidnaped by the NPA in July and October 1999 respectively still were being held in southern Luzon at year's end. There were reports that the NPA had ordered the killing of the AFP officer for "crimes against the people."

Various factions of the ASG committed kidnappings for ransom. In September 3 ASG members were sentenced to life imprisonment for a 1992 kidnapping.

The MILF was responsible for disappearances.

In February the AFP discovered mass graves in Cagayan de Oro province. Officials believe that they are the bodies of more than 100 persons killed by the NPA during the mid-1980's.



*c. Torture and Other Cruel, Inhuman, or Degrading.—Treatment or Punishment*

The Constitution prohibits torture, and evidence obtained through its use is legally inadmissible in court; however, members of the security forces and police continued to use torture and otherwise abuse suspects and detainees. The CHR provides the police with human rights training, including primers on the rights of suspects. Such training became mandatory in 1995. However, police awareness of the rights of those in custody remains poor. Common forms of abuse during arrest and interrogation included striking detainees with clubs and threatening them with guns.

In June the CHR issued an advisory concerning the treatment of suspects in police custody. It described the torture of suspects held in connection with bombings in Manila in May. Relatives of the suspects had complained that suspects were beaten and that one suspect had had his hands bound and his face covered with a plastic bag during interrogation. The PNP denied these allegations.

Amnesty International reported that torture was widespread in the country.

In July the Secretary of the Department of Interior and Local Government dismissed 136 cadets at the National Police Academy for complicity in the fatal hazing of a fellow cadet in May (see Section 1.a.). An investigation by the National Police Commission led to reports that instructors forced police recruits to engage in sex acts with each other and to perform other hazing rituals. Six instructors were reprimanded and given 6-month suspensions. The PNP investigated 215 officers for human rights abuses during the year. Of these, 57 led to prosecutions. The PNP has dismissed 70 officers for human rights abuses since 1993.

In July according to the CHR, PNP officers brutally beat members of a group that had assembled to protest the President's State of the Nation address (see Section 2.b.).

Prison conditions are harsh. Provincial jails and prisons are overcrowded, have limited exercise and sanitary facilities, and provide prisoners with an inadequate diet. Administrators budget a daily subsistence allowance of about \$0.60 (30 pesos). Prison inmates often depend on their families for food because of the insufficient subsistence allowance. Male and female inmates are held in separate facilities, overseen by guards of the same sex. The exception is the Bureau of Immigration and Deportation detention facility, which segregates male and female inmates; however, both are overseen by male guards. Children sometimes are held in facilities not fully segregated from adult male inmates. There were reports that guards abused prisoners. Female prisoners in particular are at risk of sexual assault.

The CHR conducted a nationwide investigation of prison facilities early in the year. In July it issued an advisory opinion that cited inhuman conditions in jails and prisons in many parts of the country. It stated that the Manila city jail was unfit for human habitation, housing 3,400 inmates in facilities designed to hold 1,000 inmates. Such conditions, according to the CHR, contributed to violence among inmates. It also stated that 27 inmates at the Manila jail should have been confined at a psychiatric facility and that convicted prisoners are commingled with inmates awaiting trial.

Official corruption is a serious problem in the prison system. Jail administrators reportedly delegate authority to maintain order to senior inmates. Some prominent prisoners and jailed celebrities receive preferential treatment. Favored inmates reportedly enjoy access to outside contacts, enabling them to trade in prostitution and drugs. In April the DILG Secretary ordered disciplinary action against prison personnel for having provided special treatment to 31 incarcerated former police officers. These prisoners, in exchange for cash payments to guards, reportedly were able to leave the facility almost at will.

According to the penal authorities, there were 23,621 persons held in national and regional prisons. Many others were detained in local jails at the discretion of local law enforcement authorities without benefit of a trial.

International monitoring groups and the ICRC are allowed free access to jails and prisons. There were no reports that prisoners died due to prison conditions or mistreatment during the year.

The AFP reported that three soldiers had been tortured and killed by the MILF in October in Maguindanao (see Section 1.a.).

In November NPA members shot and injured a sugar plantation union leader and a policeman in Tarlac City. Prior to the attack, the union leader had led a rally at the regional office of the Department of Agrarian Reform to protest the plantation owners' stock distribution plans (see Section 6.a.).

*d. Arbitrary Arrest, Detention, or Exile.—*The Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, police in some cases arrested and detained citizens arbitrarily. The CHR investigated 87

cases of illegal arrest and detention during the first half of the year, compared with 124 in 1999. The TFDP documented 669 politically motivated arrests by the Government. The Government denies that there are any political detainees.

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence or death (when evidence of guilt is strong), the right to bail. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, depending on the seriousness of the crime for which the arrest was made.

In May a series of bomb detonations in Metro Manila killed one person and injured approximately 30 others (see Section 1.g). No person or group claimed responsibility. The PNP arrested 26 Muslim suspects, including one police officer, for one of the bombings. Only one person of those arrested was named in the search warrant. CHR investigators and private attorneys were refused immediate access to the detainees. In June police charged them with the illegal possession of firearms; their attorneys claimed that police had planted the evidence. They continued to be held without pretrial hearing 6 months following their arrests.

Suspects in a shopping mall bombing in May were charged with illegal possession of firearms; their attorneys claimed that police had planted the evidence. They awaited trial at year's end. There were reported attempts by authorities to deny attorneys immediate access to their clients (see Section 1.g.).

The NPA and MILF were responsible for a significant number of arbitrary arrests and detentions, often in connection with informal courts set up to try military personnel, police, local politicians, and civilians for "crimes against the people" (see Section 1.e.).

Forced exile is illegal and is not practiced.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the judicial system suffers from corruption and inefficiency. Personal ties undermine the commitment of some government employees to ensuring due process and equal justice, resulting in impunity for those who commit offenses but are rich and influential.

The national court system consists of four levels: Local and regional trial courts; a national Court of Appeals divided into 17 divisions; a 15-member Supreme Court; and an informal local system for arbitrating or mediating certain problems outside the formal court system. The Sandiganbayan, the Government's anticorruption court, hears criminal cases of misconduct brought against senior officials. A Shari'a court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operates in some Mindanao provinces.

The Constitution provides that those accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respect the right of defendants to be represented by a lawyer, although poverty often inhibits a defendant's access to effective legal representation. The public attorney's office is staffed by highly skilled and motivated defense lawyers, but the workload is great and resources are scarce.

Legal experts inside and outside the justice system also criticize personal and professional relationships between some judges and individual or corporate litigants. Some lawyers act as "case fixers," gaining the favor of judges and other court officials and allegedly bribing some witnesses. It is illegal to settle criminal cases out of court, but the practice of reaching an "amicable settlement" is routine. Such settlements may result in impunity for wealthy or influential defendants.

The pace of justice is slow. The court system is unable to assure detained persons expeditious trials. There is a widely recognized need for more prosecutors, judges, and courtrooms. Of 1,445 trial court judgeships nationwide, 685 remained vacant at year's end due to a lack of qualified applicants. Vacancies in provincial capitals are unattractive to many jurists. In addition judges' salaries often are considered too low in comparison with salaries in other opportunities. Low pay also renders some prosecutors susceptible to corruption.

According to the Constitution, cases are to be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for the court of appeals; and 3 months for lower courts. There are no time limits for trials. Because of numerous technical delays and the frequent failure of judges and prosecutors to appear, trials can last many months.

Officials in the Labor and Social Welfare Departments claim that prosecutors often fail to follow up on cases involving child labor violations (see Section 6.d.).

Amnesty International criticized many of the court proceedings that resulted in death sentences, stating that the judicial system does not ensure the rights of defendants to due process and legal representation. At times defendants in such cases

lacked attorneys to assist them when they were arrested, indicted, and brought to trial. By law the Supreme Court reviews all death sentences. During the year, the Court overturned several convictions and commuted several death sentences to life imprisonment. In December the President announced that he intended to commute the death sentences of more than 1,300 prisoners; later in the month, the Government reverted to the policy of granting commutations on a case-by-case basis.

Indemnification claims for alleged human rights abuses during the Ferdinand Marcos era, which ended in 1986, remain unresolved.

Although Shari'a courts do not have criminal jurisdiction, the MILF asserts that its Islamic law courts do. There were no reports of executions resulting from MILF court decisions during the year.

The NPA continued to try military personnel, police, local politicians, and civilians in its informal courts for "crimes against the people" and to execute some of those whom it "convicted."

The TFDP reported that the Government held at least 277 political prisoners at the end of October, compared with 160 held at the end of 1999. The Government contends that prisoners whom NGO's claim were jailed for political reasons were in fact convicted of common crimes. Frequently political prisoners counted by the TFDP were convicted of the illegal possession of firearms. In fact the TFDP includes on its list of political prisoners two Communist rebels convicted of the 1989 terrorist killing of a foreign military assistance officer. The TFDP asserts that the authorities deliberately "criminalize" cases involving political offenders in order to detract from public sympathy for political prisoners. There are differences of opinion even within the CHR; some members of the commission believe that certain persons are incarcerated for political reasons, but other members believe that the same persons are guilty of common crimes.

The Government permits access to political prisoners by international humanitarian organizations.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides that a judge may issue search warrants on a finding of probable cause; however, while restrictions on search and seizure within private homes generally are respected, searches without warrants do occur. Judges have declared evidence obtained illegally to be inadmissible.

In August the CHR stated that the PNP conducted random searches of persons for illegal firearms at checkpoints in Metro Manila in violations of citizens' privacy rights.

The PNP conducted covert monitoring of persons who sought removal of the President. The PNP stated that it was monitoring for possible seditious acts. Persons critical of the President asserted that the Government conducted illegal wiretaps of the telephones of the political opposition.

The forcible displacement of urban "squatters" to make room for infrastructure and commercial developments continued during the year. Squatters make up at least 30 percent of the country's urban population. The law provides certain protections for squatters; eviction is often difficult, especially because politicians generally recognize squatters' voting power. In many instances, the Government did not offer relocation sites to displaced families, as required by law. The NGO Ecumenical Commission for Displaced Families and Communities (ECDFC) reported 2 mass displacements due to government demolition of houses for economic purposes. Some 85 families were displaced in January in Sarangani, Mindanao, and 200 families were displaced in September in Pasig City, Metro Manila. On July 10, a garbage landslide in heavy rain at the Payatas dumpsite in Quezon City resulted in the deaths of more than 230 persons.

Armed clashes between the AFP and the MILF displaced an estimated 750 thousand to 1 million persons in 203,000 families in 578 communities in Mindanao (see Section 1.g.).

The TFDP documented 50 community demolitions involving 15,662 houses through November 15. Some involved military clashes in Mindanao.

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Intensified AFP clashes with the main remaining Islamic insurgent group, the MILF, continued to inflict hardships on civilians. Most of the fighting took place in central Mindanao provinces and was related to the control of territory, a key issue in peace negotiations between the Government and the MILF. Displaced civilians feared being caught in the crossfire or becoming casualties of artillery exchanges or bombings near their areas of residence.

In May a CHR investigation reported that both government troops and rebel groups were responsible for numerous violations of the rights of noncombatants, including women and children, during the intense fighting between the AFP and MILF that escalated sharply in March. The abuses included the killing of civilians

due to indiscriminate bombing, torture and inhuman treatment of prisoners, and restrictions on the movement of civilians.

In May gunfire from AFP helicopters used in counterinsurgency operations injured several civilians.

In intense fighting in central Mindanao during April and May, government forces reportedly shot and killed 16 Muslims whom they suspected were MILF sympathizers. They also reportedly killed four noncombatants at a village in Isulan, Sultan Kudarat. In August there were additional reports of unwarranted force, killings, and injuries to civilians.

According to Amnesty International, indiscriminate bombing of the civilian population on Jolo Island during the Government's efforts in September and October to free foreign and Filipino hostages held by the terrorist ASG resulted in hundreds of civilian deaths (see Section I.b.). The Government initially refused to allow the CHR to investigate, citing security concerns. Three days after the rescue operation began, the Government reported that 4 noncombatants had been accidentally killed. There also were persistent but uncorroborated reports of summary executions and arbitrary arrests by the AFP. The CHR's investigators were neither able to confirm nor disprove these reports. The Government ordered a news blackout and cut communications and transportation links to Jolo in order to isolate the ASG terrorists. There has been no independent confirmation of government figures or AI claims; however, humanitarian workers who visited Jolo found no evidence of significant civilian casualties from the bombing.

Hundreds of thousands of civilians were displaced in the fighting between the AFP and the MILF. TFDP, acting on behalf of victims of the fighting, filed charges of human rights abuses with the CHR involving destruction of property and the treatment of refugees against both the AFP and the MILF.

In October the AFP reported that in armed conflict with the MILF from May through July in central Mindanao, there were 477 deaths of noncombatants and a total of 922 casualties. Some of these persons were killed in crossfire between the forces or died fleeing the fighting. At least 242 persons, most of them children, died due to poor health conditions resulting from the military operations. Most died in 1 of the 436 evacuation centers, which were able to accommodate only slightly more than half the noncombatant refugees. Poor sanitation led to disease, and lack of food led to malnutrition. Water was insufficient and unsafe to drink. Many children developed diarrhea, dysentery, and respiratory ailments. Most of the children who died in the evacuation camps were under 2 years of age. Nearly 100,000 noncombatants, mostly Muslims, remained in evacuation centers as of mid-October. In May the centers had held an estimated 700,000 persons.

In October the Government reported that nearly 750,000 persons had been displaced in 14 provinces as a result of the AFP-MILF fighting. International and domestic NGO's estimated that the total number of displaced civilians was closer to 1 million. The ECDFC estimated that 203,000 families in 578 communities in Mindanao were displaced during the year as a result of 42 separate incidents. Both the AFP and the MILF accused each other of targeting civilian populations and restricting civilian food supplies.

In May a series of bomb detonations in Metro Manila killed 1 person and injured approximately 30 others. No person or group claimed responsibility. The PNP arrested 26 Muslim suspects, including one police officer, for one of the bombings.

On July 22, 13 noncombatants were killed in 16 others were injured in an attack in Balabagan, Lanao del Sur. Police and CHR investigators assigned responsibility to CAGFU members recently fired from their jobs at a plantation where the killings took place; a group of 20 armed persons had fired on the victims.

Nearly 6,700 houses and 3 municipal halls were destroyed, as were 31 places of worship and 42 schools in ASG operations. Late in the year, the military forces began to rebuild houses, schools, and mosques.

On February 10, one civilian was killed and 19 others were injured in a bombing of a department store in Carmen, North Cotabato. Police blamed the MILF.

On February 25, 41 civilians were killed and scores were injured in two bomb detonations in Ozamis City. Police blamed the MILF and CPP/NDF.

On March 17, an MILF attack on the town of Kauswagan, Lanao del Norte, killed at least 29 noncombatants.

On May 3, five bombs were detonated in General Santos City; the explosions killed 3 noncombatants and injured 10. The Government blamed the MILF.

On May 6, 6 persons were killed and 37 wounded from the detonation of bombs in buses in Surigao City and Butuan, Agusan del Norte. The Government blamed the MILF.

On May 23, three persons died in a bombing in General Santos City. A second bomb in the same city on June 24 killed two persons. Police arrested two MILF members for these actions in July.

The Government placed responsibility on the MILF for mass killings on July 16 in Bumbaran, Lanao del Sur Province. Approximately 33 civilians, all Christians, were forced by armed men into a Muslim prayer house in the early morning. After a nearby battle during the day, armed persons fired on the civilians in custody, killing 21 and injuring 9. The casualties included a pregnant woman and five children. After a subsequent investigation, the CHR stated that the perpetrators could have been non-MILF separatists posing as MILF members, and may have been renegade former members of the Moro National Liberation Front (MNLF) (see Section 5).

An NPA attack on September 30 in Davao City killed six civilians, as well as an AFP soldier and three CAFGU's. On the same day on the border of Davao City and Davao del Norte, the NPA killed nine civilians. The National Democratic Front (NDF) claimed responsibility but blamed the government military forces for using the civilians as "human shields." The NDF is the political arm of the Communist Party of the Philippines, while the NPA is the armed wing. In December two NPA members were charged with murder; charges against two others were dropped for lack of evidence.

On September 23, 10 suspected MILF guerrillas killed 7 members of a family in Tangkal, Lanao del Norte.

On September 25, 3 students were killed and 10 injured in a bomb blast in Kabacan, North Cotabato. The Government blamed the MILF.

On November 7, MILF guerrillas who reportedly were assisting a kidnaping group attacked the prison in General Santos City. They killed 1 inmate and injured 1 guard in the process of freeing 68 inmates.

On November 9, a bomb detonated in a market in General Santos City, killing one person. The Government blamed the MILF.

On December 6, according to an AFP report, MILF rebels killed three farmers by firing squad in Carmen, North Cotabato. The killing occurred as the AFP was attacking an MILF position elsewhere in Carmen.

The PNP alleges that the MILF is responsible for five bomb detonations in a 2-hour period on December 30 in Metro Manila. The explosions killed 20 civilians, and 2 police officers were killed while attempting to defuse one of the bombs that exploded.

In fighting between government forces and the Abu Sayyaf Group (ASG) medical and relief workers were denied access to affected areas because their safety could not be assured. AI reported that approximately 80,000 civilians were forced to flee their homes in September as the Government waged an all-out effort to free the hostages on Jolo (see Section 1.b.). In November the Government reported that more than 107,000 persons from 19,000 families had been displaced in Sulu.

Conditions in the 21 evacuation centers were poor, leading to disease and deaths among those displaced in the fighting. In November the AFP reported that 6 civilians had died in the course of the armed conflict with the ASG on Jolo, and that 65 homes had been destroyed. Domestic NGO's believe that the figures are much higher.

The ASG reportedly was responsible for detonating three grenades on May 18 in a market in Jolo. Seven persons were killed and three were injured.

In a December attack in Lamitan, Basilan, suspected members of the ASG killed three persons and injured five others.

On December 28 in Jolo, Sulu, armed persons believed to be ASG members killed a Catholic priest, his driver, and two other persons.

Communist insurgencies such as the NPA intensified attacks on government forces, government offices, and private business facilities in Bukidnon province, Metro Manila, and other locations during the year. The NPA makes regular use of minors in its operations (see Section 5).

In January an AFP chaplain was abducted by NPA guerrillas, some as young as 14, and held captive for nearly 2 weeks before being released.

On March 2, a member of the Communist Revolutionary Proletarian Army (RPA) reportedly threw a hand grenade into a government office in Makati, Metro Manila.

In March a 12-year old NPA rebel was captured by the AFP in Bontoc, Southern Leyte, during a raid in which the boy's parents (both NPA leaders) and 13-year-old sister were killed. The boy told authorities he had become an NPA fighter at age 9 and had since become a recruiter himself. He said that there were 20 minors<sup>15</sup> boys and 5 girls in his unit. The boy, who stated that he had taken part in at least 12 ambushes, demonstrated adult proficiency as a soldier.

In March a 12-year old boy escaped from the NPA and surrendered to the AFP in Kiamba, Sarangani. The boy reportedly told authorities that while in first grade,

an NPA recruiter threatened to kill him if he did not join. He stated that he did not receive payments that the recruiter had promised, and was not given sufficient food while working as an errand boy in the mountains.

On July 2, a 14-year old suspected NPA fighter was killed along with 7 NPA members in a clash with the AFP in Trinidad, Bohol. In December the AFP rescued a 10-year-old NPA member after a skirmish in Motiong, Western Samar.

The PNP identified the Alex Boncayo Brigade, a Communist assassin group, as being responsible for the killing of a business executive on November 24 in Bacoor, Cavite.

On December 2, the Communist insurgent group Rebolusyonaryong hukbo ng Bayan (RHB) accused the insurgent NPA of the execution of a high-ranking cadre in Mexico, Pampanga. The killing reportedly took place in the presence of the victim's wife, children, and neighbors. In a written statement, the RHB, which has broken away from the Communist Party of the Philippines (CPP), stated that the NPA wanted to "exterminate genuine revolutionaries." Two days later, the NPA claimed responsibility for the killing and in a written statement stated that the RHB cadre had been executed for grave crimes against the revolutionary movement.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. In November a radio journalist in Pagadian, Zamboanga del Sur was killed by gunmen. The journalist's radio broadcasts reportedly had angered the police, the military forces, the MILF, and other citizens, who had sued him for libel (see Section 1.a.).

In April the mayor of Bacolod City ordered the closure of a local radio station for operating without a business permit. Radio journalists charged that the mayor's actual motive was to silence criticism of his administration. The station resumed operations several days later, and the city government filed libel charges against the journalists.

The Philippine Press Institute is active in helping to investigate cases of harassment of journalists.

In February a bomb exploded outside the gates of a Catholic-run radio station in Cotabato City, injuring seven persons. Police believe that the target was a Muslim broadcaster who had been "sentenced to death" by an MILF revolutionary court for blasphemy of Islam. One month later, the journalist survived an attack in which

ployment. Travel abroad is limited only in rare circumstances, such as when a citizen's court case is pending. Government authorities discourage travel by vulnerable workers such as young women to areas where they face personal risk (see Section 6.f.). The Philippine Overseas Employment Administration (POEA) seeks to limit departures for work abroad to only those persons whom the POEA certifies as qualified for the jobs. An estimated 5 to 6 million citizens work overseas and remit money home. Such remittances amount to nearly 10 percent of the gross national product.

There is no comprehensive legislation that provides for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Refugee Unit in the Department of Justice determines which asylum seekers qualify as refugees; such determinations in practice serve to implement many of the basic provisions of the 1951 U.N. Convention.

The Government provides first asylum.

The Government continued to allow approximately 1,800 asylum seekers from Vietnam to remain in the country. All had been "screened out" from refugee status. Most live on Palawan Island or in major urban areas. There is significant popular support, particularly from the Roman Catholic Church, for allowing permanent residency for those asylum seekers who do not wish to repatriate and are ineligible for resettlement in other countries. The Government continued to encourage voluntary repatriation of such asylum seekers. The Government has not ruled out forcible repatriation.

There were no reports of the forced return of persons to a country where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens*

#### *to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic elections that largely are free and fair and held on the basis of universal suffrage. However, Congress has yet to enact a system for absentee voting, which is required by the Constitution. This affects an estimated 5 to 6 million eligible voters, or about 10 percent of the electorate, most of whom are expatriates. The party of President Estrada continued to hold majorities in both the House of Representatives and the Senate.

In October a group of citizens filed an impeachment complaint against the President. In November the House of Representatives sent articles of impeachment to the Senate, charging the President with bribery, graft and corruption, betrayal of public trust, and culpable violation of the Constitution. His trial began in December and continued through year's end.

There are no restrictions in law or practice on participation by women and members of minorities in politics; however, women are underrepresented in government and politics. The Vice President is a woman. At year's end, there were two female cabinet-level officials. There are 4 women in the 22-member Senate, and 26 women in the 222-member House of Representatives. Three of the 15 members of the Supreme Court are women.

Along with many other citizens, Muslims argue that the method of election of senators from a nationwide list favors the established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment; such an amendment is favored by many Muslims and members of other disadvantaged groups who are underrepresented in the national legislature. There are no Muslim senators or cabinet members. However, the House of Representatives has nine Muslim Members, including some elected from Christian majority districts. Muslims hold few senior government positions, and there is little or no effort to institute corrective measures.

### *Section 4. Governmental Attitude Regarding International and*

#### *Nongovernmental Investigation of Alleged Violations of Human Rights*

A large, diverse group of human rights NGO's operated without government restriction, investigating and publishing their findings on human rights cases. Many government officials, including those of the CHR, are responsive to NGO views. Many domestic NGO's were critical of the Estrada administration's human rights record; these NGO's also had criticized previous presidents' human rights records.

The Philippine Alliance of Human Rights Advocates, a leading NGO network, effectively monitors human rights problems and seeks redress through its contacts with government agencies, the Congress, and the CHR. Human rights activists con-

tinued to encounter minor harassment, mainly from police or military units or detachments based in the locality in which incidents took place.

The CHR further augmented the system of barangay (neighborhood) human rights officers who process and coordinate human rights complaints, reporting to regional CHR offices. There were more than 14,000 local human rights officers at mid-year, compared with approximately 13,000 at the end of 1999. The CHR expanded its regional operations during the year. At year's end, there were 14 regional and 6 sub-regional offices, with more than 400 CHR officers in the field. Despite this increase, CHR monitoring and investigation remain inadequate.

*Section 5. Discrimination based on Race, Sex, Religion,*

*Disability, Language, or Social Status*

The Constitution prohibits discrimination against women, children, and members of minorities; however, implementation of constitutional protections at times is hindered by the lack of specific regulations and by budgetary constraints.

*Women.*—Violence against women, particularly domestic violence, remains a serious societal problem. Rape is illegal and in certain cases punishable by death. Spousal rape and abuse also are illegal, but enforcement is ineffective. Women's advocates cite the lack of laws on domestic violence, double standards of morality, and a traditional societal reluctance to discuss private family affairs as some of the reasons for domestic violence. The absence of divorce under the law and limited job opportunities combine to limit the ability of both poor and wealthy women to escape destructive relationships.

The PNP and Department of Social Welfare and Development (DSWD) both maintain women's help desks to assist victims of violence against women and to encourage the reporting of crimes. Their role was strengthened further by Vice President Gloria Macapagal-Arroyo, who until October 12 served concurrently as the secretary of the DSWD and continued to give women's issues a high public profile during the year. Many PNP stations included female officers. With the assistance of NGO's, additional male officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence.

In October a regional trial court in Davao City handed down the country's first conviction for marital rape. Rape continued to be a major problem; the number of rape cases reported to the police has risen by about 16 percent annually since 1992. The PNP reported that it investigated 3,145 cases of rape during the year; most of the alleged perpetrators were arrested. However, some women's groups stated that courts' imposition of death sentences for rape convictions might inhibit some victims from pressing charges. The number of prisoners awaiting execution for rape exceeds the number awaiting execution for murder.

Many women suffer exposure to violence through their recruitment, often through deception, into prostitution (see Section 6.f.). Although illegal, prostitution remains widespread. A 1998 International Labor Organization (ILO) study estimated that 500,000 women are engaged in prostitution within the country. Most work independently or in small brothels rather than in prominent "entertainment clubs." Penalties for the offense are light, but detained prostitutes are subjected to administrative indignities. There were reports of forced prostitution of children (see Section 6.c.). The Antivagrancy Act often is used by police officers as a pretext to extort money from prostitutes; those unable to pay may be subjected to sexual abuse. Hotel and travel industry leaders continued to refuse to honor their pledges to cooperate with a code endorsed by international tourism groups to stop sex tourism.

Local officials condone a climate of impunity for those who exploit prostitutes—both the "entertainment club" owners and their patrons. Highly publicized official campaigns to close clubs and brothels fail to rescue young women from the abuse because the offending establishments usually are back in business a few days after such raids. The penalties for such actions are not considered sufficient to deter those who exploit prostitutes.

The DSWD continued to provide temporary shelter and counseling to women trapped in prostitution, but officials believe that this helped only a small number of victims of illicit recruitment (see Section 6.f.). DSWD officials noted that the number rescued failed to reflect the true extent of the prostitution problem since it reflected only those who obtained temporary shelter and counseling through the DSWD and local governments. NGO's argue that the Government first should address the abuses of dislocation and homelessness in order to address effectively the problem of women's exposure to the structural violence inherent in prostitution.

Trafficking in women and children for forced prostitution and forced labor are problems (see Sections 6.c. and 6.f.).

Sexual harassment in the workplace also continues to be a problem. It is thought to be widespread yet underreported due to victims' fear of losing their jobs. Harass-



ment by managers in "special economic zones" (SEZ's) is thought to be a common practice. Most of the female employees in SEZ's are economic migrants who are required to work long hours and have no independent workers organization to assist with filing complaints. Women also are hired as contractual employees without benefits in the pressing and sewing industry. Many are subjected to long hours in inadequately ventilated facilities.

In law but not always in practice, women have most of the rights and protections accorded to men. The Presidential Commission on the Role of Filipino Women seeks to coordinate programs for women, working closely with NGO's such as the 10 millionmember Presidential Council of Women in the Philippines. More women than men enter secondary and tertiary education. Unemployment rates for women are consistently higher than for men. Women's salaries averaged about 47 percent lower than their male counterparts'. Except for government service and jobs in government-owned or government-controlled corporations, women continued to face discrimination in employment.

In this predominantly Roman Catholic nation, Church opposition to divorce is strong. Nonetheless, changes in the legal code have made marriage annulment fairly easy and increasingly common. However, the legal cost precluded this option for many women. The practice of "unofficial divorce" (permanent separation) was common among lowerincome couples. In such cases, the wife usually is left with the children, and the husband provides little or no financial support.

*Children.*—Several government agencies have programs devoted to the education, welfare, and development of children. Nevertheless, children faced serious problems in their development. In April the NGO Helen Keller International reported that 30 to 40 percent of preschool children in the 4-province Autonomous Region of Muslim Mindanao (ARMM) suffered from malnutrition. Most of the children were in villages in Maguinidanao, Lanao del Sur, and Tawi-Tawi provinces, the scene of heavy insurgent combat.

Family poverty forces many children throughout the country to drop out of school; only about 65 percent of children complete the grade 6. This attrition rises with grade level. Public primary and secondary schools are free of tuition charges; however, poor families are unable to meet numerous peripheral costs for uniforms, school supplies, shoes, and transportation. The Asian Development Bank has expressed concern over an apparent growing inequity in educational opportunity as public spending per pupil declines. In the 1980's, public spending covered 80 percent of the cost of elementary education; however, this share declined to only 69 percent by the mid-1990's.

Widespread poverty forces many young children to work. The Department of Labor and Employment (DOLE) worked with the ILO and NGO's to address the problem of child labor. According to UNICEF and ILO studies, some 2 million children were exposed to hazardous working environments such as in quarries, mines, and at docksides in order to earn their living (see Section 6.d.). Forced prostitution and trafficking in children for the purpose of forced prostitution are problems (see Sections 6.c., 6.d., 6.f.).

Studies by the Government and international organizations indicate that there are at least 44,000 street children and possibly as many as 100,000 nationwide. Welfare officials believe that the number is increasing as a result of widespread unemployment in rural areas. Many street children apparently are abandoned children engaged in scavenging or begging.

The family court system that was instituted in 1998 has helped expedite juvenile and domestic relations cases and served to strengthen safeguards against the sale and trafficking of children abroad. Previously, less specialized courts had tended to regard children as extensions and property of the parents and to favor parental authority over the rights of a child.

Greater public awareness eroded traditional reticence to report abuses against children. DSWD offices cared for children who were the victims of rape. The problem of foreign pedophiles continued to be reported in the press. The Government continued to prosecute accused pedophiles.

In September the Government signed the Optional Protocol on the Convention on the Rights of the Child and on the Sale of Children, Child Prostitution, and Child Pornography. Despite government efforts at law enforcement and expanded children's programs, it is estimated that some 60,000 children are involved in the commercial sex industry. Most of these children were girls, and nearly all have dropped out of school. Children in the "entertainment industry" work long (10 to 12), odd hours from evening until early morning. Typically they come from families with unemployed or irregularly employed parents.

The NPA's use of children as armed combatants and noncombatants continued. According to UNICEF and AFP estimates, 3 percent of the more than 10,000 mem-

bers of the NPA are boys and girls under the age of 18. However, from 20 to 25 percent of NPA new recruits reportedly are children. The NPA admits that members from 15 to 18 years of age are assigned to self-defense and noncombat duties and that in the event of "enemy aggression or encroachment," weapons would be distributed to the oldest children first. In February the NPA announced that it would no longer accept recruits under the age of 18, based on instructions from the NDF (see Section 1.g.). The NDF instruction stated, however, that minors could still serve in noncombat positions.

According to the international NGO, Coalition to Stop the Use of Child Soldiers, the MILF recruited children as young as 13 years of age to serve as reserve forces.

On March 21, several government agencies, including the AFP and PNP, signed a Memorandum of Agreement (MOA) on the handling and treatment of children involved in armed conflict. The MOA provides for the procedure to be followed from the time of rescue or surrender of the child until he or she is turned over to the DSWD for care and assistance. The MOA represents a shift in perspective, treating child insurgents as victims to be rescued and rehabilitated, rather than as enemies to be neutralized and prosecuted.

As of October, the Government reported that 86 minors serving in the NPA had surrendered or been captured during the year. In November the PNP warned parents that the NPA was using false promises to lure minors to join.

*People with Disabilities.*—The law provides for equal physical access for the disabled to all public buildings and establishments and for "the rehabilitation, self development, and self-reliance of disabled persons and their integration into the mainstream of society." Advocates for the rights of the disabled contend that the law has been ineffective because implementing regulations have not been published, and because government programs are palliative rather than focused on reintegration. Reportedly only about 2 percent of an estimated 3.5 million disabled citizens received access to services.

*Indigenous People.*—Indigenous people live throughout the country but primarily in the mountainous areas of northern and central Luzon and Mindanao. They account for about 18 percent of the national population. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevent their full integration into society. Indigenous children suffer from lack of basic services, health, and education. Because they inhabit mountainous areas also favored by guerrillas, indigenous people suffer disproportionately from counterinsurgency operations.

The 1997 Indigenous Peoples' Rights Act, which was intended to implement constitutional provisions to protect indigenous people, established a National Commission on Indigenous People, which is staffed by tribal members empowered to award certificates of title to lands claimed by over 12 million indigenous people in the country. It awards such "ancestral domain lands" on the basis of communal rather than individual ownership, impeding sale of the lands by tribal leaders. The law requires a process of "informed" consultation and written consent by the indigenous group to allow mining on tribal lands. The law also assigns the indigenous groups the responsibility to preserve forest, watershed, and biodiversity areas in their domains from inappropriate development. However, the Government has been slow to implement the legislation, since it faces strong opposition from mining and agribusiness interests.

Other measures have affected indigenous communities in adverse ways. The 1995 Mining Act promoted mining operations, hydroelectric dams, and other large-scale projects that forced indigenous people to relocate and abandon farming and hunting land that they have used for generations.

Indigenous people continued to face legal threats to their claims to ancestral lands from developers, mining interests, and local political interests. The Higaonon people in Mindanao continue to be deprived of portions of their ancestral land by a powerful local landowning family that forced their removal through a violent demolition conducted by the PNP and private security forces in 1997. The Catholic Bishops Conference of the Philippines continues to express concern over the effects of existing and planned large-scale mining on the livelihood of the many indigenous people of Mindanao.

*Religious Minorities.*—About 5 million Muslims, who constitute 7 percent of the population, reside principally in Mindanao and nearby islands and are the largest single minority group in the country. Historically they have been alienated from the dominant Christian majority, and government efforts to integrate Muslims into the political and economic fabric of the country have met with only limited success. The national culture, with its emphasis on familial, tribal, and regional loyalties, creates informal barriers whereby access to jobs or resources is provided first to those of one's own family or group. Muslims continue to be underrepresented in senior civil-

ian and military positions. Provinces in Mindanao that are predominantly Muslim lag behind the rest of the region in almost all aspects of socioeconomic development.

Christian-Muslim relations were extremely strained during the year, due mainly to the intense fighting between the AFP and the insurgent MILF in Mindanao, hostage-taking by the terrorist ASG, and bombings in Mindanao and throughout the country. Brief, fruitless negotiations between the Government and the MILF were overshadowed by the military conflict. However, government efforts to reintegrate former Moro National Liberation Front (MNLF) insurgents into society continued with some success. The planned plebiscite for an expanded Autonomous Region of Muslim Mindanao (ARMM) contemplated in the 1996 peace agreement between the Government and the MNLF again was postponed, as was a new election for ARMM officials.

In June, following persistent reports that troops operating against Muslim separatists in Mindanao had desecrated mosques, the Secretary of National Defense ordered the AFP to refrain from such action. The DND issued codeofconduct instructions that included provisions that military offensives could not be begun during Muslim prayer hours "unless absolutely required."

The Government placed responsibility on the MILF for mass killings on July 16 in Bumbaran, Lanao del Sur Province. Approximately 33 civilians, all Christians, were forced by soldiers into a Muslim prayer house in the early morning. After a nearby battle during the day between the MILF and government forces, armed persons fired on the civilians in custody, killing 21 persons and injuring 9 others. The casualties included a pregnant woman and five children. After a subsequent investigation, the CHR stated that the perpetrators could have been non-MILF separatists posing as MILF members, and may have been renegade former members of the MNLF (see Section 1.g.).

On August 27, unidentified persons attacked a vehicle and killed 12 passengers, all Muslims, in Carmen, North Cotabato. The national Government blamed the MILF, but the provincial governor stated that those responsible may have been civilians seeking revenge on Muslims (see Section 1.g.).

On December 28 in Jolo, Sulu, armed persons believed to be ASG members killed a Catholic priest, his driver, and two other persons (see Section 1.g.).

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and laws provide for the right of workers, including public employees, to form and join trade unions; however, while this right is exercised in practice, aspects of the public sector organization law restrict and discourage organizing. Trade unions are independent of the Government and generally free of political party control. Unions have the right to form or join federations or other labor groups.

Although unions claimed to have organized about 12 percent of the total work force of 31 million, only about 540,000 workers, or about 14.5 percent of union members, are covered by collective bargaining agreements. According to the DOLE Bureau of Labor Relations, the number of new union registrations has fallen continuously since 1995. The number of firms, primarily large employers, using "contractual" labor continued to grow.

Subject to certain procedural restrictions, strikes in the private sector are legal. However, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must be exhausted. The Secretary of Labor and Employment can intervene in some labor disputes by "assuming jurisdiction" and mandating a settlement if the Secretary decides that the industry involved in the strike is "vital to national security."

In September port workers at the international container terminal in Manila struck in protest against illegal dismissals. One worker was killed, reportedly by company security guards, in violence that occurred when striking workers attempted to enter the company compound. The union reported that it observed non-union workers at work in the compound. The strike ended when the National Labor Relations Commission (NLRC) issued a backtowork order.

According the International Confederation of Free Trade Unions (ICFTU), union officials can be dismissed and imprisoned for a maximum of 3 years for taking part in illegal strikes.

Most strikes are legal. According to the ICFTU, union officials can be dismissed and imprisoned for a maximum of 3 years for taking part in illegal strikes. However, there are no recent reported cases in which this provision was enforced.

Legislation that the ILO Committee of Experts criticized for placing undue restrictions on the right to strike in nonessential services remained unchanged. The Com-

mittee remained concerned by the imposition of penalties in cases where strikes were deemed illegal, by the restrictions on the right of government workers to strike, and by some restrictions on the right to organize and form a bargaining unit in conflict with ILO Convention 87 on freedom of association.

The National Conciliation and Mediation Board (NCMB) reported 60 strikes during the year, compared with 58 strikes the previous year. There were 320,000 work-days lost to strikes, compared with 229,000 in 1999. The average duration of strikes increased to 26 days during the year from 20 days in 1999.

In March militant labor leaders who were conducting a religious service at a hotel against which they were striking were arrested when they refused police orders to disperse. Some protesters reportedly were injured, and 17 persons were arrested. In May 20 union members were arrested at the same hotel when police declared their picket line unlawful because it hindered the entrance of hotel guests.

In November NPA members shot and injured a sugar plantation union leader and a policeman in Tarlac City. Prior to the attack, the union leader had led a rally at the regional office of the Department of Agrarian Reform to protest the plantation owners' stock distribution plans (see Section 1.c.).

Longshoremen in Cebu returned to work without violent incidents during the year.

There again were unpublished reports of routine management intimidation of union members.

Unions have the right to affiliate with international trade union confederations and trade secretariats. Two of the largest trade union centers, the Trade Union Congress of the Philippines and the Federation of Free Workers, are affiliated with the ICFTU and the World Confederation of Labor, respectively.

The ICFTU complained that a union can be registered only if it represents at least 20 percent of workers in a bargaining unit, and that the law requires what it considers to be an excessively high number of unions before a federation or national center can be formed.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for the right to organize and bargain collectively. The Labor Code provides for this right for employees both in the private sector and in government-owned or controlled corporations. A similar right is afforded to most government workers, but senior employees, members of the military forces, and essential public service workers are not eligible.

Allegations of intimidation and discrimination in connection with union activities are grounds for review as possible unfair labor practices before the quasi-judicial NLRC. However, unions often stated that widespread ignorance of basic standards and rights is a major obstacle to union organization. Before disputes reach the NLRC, the DOLE provides the services of the NCMB, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes can be declared.

An appeal submitted by the four Taiwanese companies located in export processing zones against orders for union elections to be held was still pending with the Labor Secretary. A total of 187 union officials were fined; there were no reports that these persons were reinstated.

Labor law is uniform throughout the country, including the industrial zones, where tax benefits encourage the growth of export industries. However, local political leaders and officials who govern these special economic zones have tried to frustrate union organizing efforts by maintaining "union free/strike free" policies. A conflict over interpretation of the SEZ law's provisions for labor inspection has created further obstacles to enforcement of workers' rights to organize. Despite objections from the DOLE, SEZ local directors claim authority to conduct their own inspections as part of the zones' privileges intended by Congress. Hiring often is controlled tightly through "SEZ labor centers," in which political ties to local figures play a role in gaining job eligibility. Despite sporadic labor unrest and some organizing efforts, union successes in the SEZ's have been few and marginal. Some mainstream unions avoid a major unionizing effort in the lower-wage SEZ industries, such as the garment industry. They consider it unpromising in view of both the organizers' restricted access to the closely guarded zones and the rapid turnover of the young, mainly female staff who work on short-term contracts in the zones' many electronics and garment factories.

*c. Prohibition of Forced or Compulsory Labor.*—Forced labor is prohibited, including forced and bonded labor by children; however, despite the Government's generally effective prohibition of forced labor, there were some reports of forced or bonded labor by children, mainly in prostitution and other areas of the informal sector, as well as trafficking in women and children for forced prostitution. Over 300,000 children 17 years of age or younger work as family domestic workers, for whom the

minimum age is 15. Some recruiters reportedly bring girls between the ages of 13 and 17 to work in Manila or Cebu homes under terms that involve a "loan" advanced to their parents that the children are obliged to repay through their work. The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators (see Sections 6.d. and 6.f.). Some children reportedly worked to help their parents repay loans from planters. Trafficking in women and children for the purposes of prostitution and forced labor also are problems (see Section 6.f.).

In July a 15-year-old worker reportedly escaped from a rice mill in Tayug, Pangasinan. The youth stated in an affidavit that he had been recruited by an employment agency and promised a job in Manila. Instead he was sent to the rice mill, where he was forced to work 12 hours per day, 7 days per week. The owner of the mill had been fined in January for employing eight minors (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians, or where employment in cinema, theater, radio, or television is essential to the integrity of the production. The Labor Code allows employment of those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor but forbids the employment of persons under 18 years of age in hazardous or dangerous work. However, a significant number of children are employed in the informal sector of the urban economy or as unpaid family workers in rural areas. According to a 1995 survey, there are at least 3.7 million working children, approximately 2 million of whom are exposed to hazardous working environments.

There are few child labor violations in the formal manufacturing sector. Most child labor is in the informal sector, most often in family settings, and the Government rarely if ever seeks to prosecute a poor family because they have a working child. However, children reportedly continue to be employed illegally on the docks of some Mindanao and Visayan ports. Working at a piece rate in the unloading of bulk cargo, the children earn far less than adults would demand for the same work even though they are exposed to harmful dust and chemicals in the ships' holds.

Employment of children as divers in dangerous conditions on coral reef fishing vessels reportedly continued. The ILO-IPEC (International Program on the Elimination of Child Labor) project to address this question was ongoing at year's end.

In Mindanao plantations growing bananas for export frequently used children as day laborers in trimming and fertilizing plants and clearing irrigation ditches.

In October the Government ratified ILO Convention 182. The Government banned hazardous work by children in 1973, and in 1999 the DOLE issued an updated list of hazardous and deleterious work that is prohibited for persons under the age of 18. Legislation pending in the Congress would consolidate child labor laws and increase penalties for violations. The DOLE and other agencies continue to work closely with UNICEF and the ILO-IPEC to reduce violations of child labor laws.

The DOLE works with domestic NGO's to educate communities on child labor and provides counseling and other activities for children. It uses fines and criminal prosecutions for child labor violations in the formal sector, such as manufacturing. During the year, it rescued 132 child workers in 64 operations. The rescued children were working in factories, as domestic helpers, or as sex workers. In addition routine inspections through November revealed 31 establishments nationwide that employed a total of 50 children. About 35 of the minors rescued received back wages and other benefits from employers after intervention by the DOLE. Of the DOLE's 253 inspectors, only 22 have received training on child labor inspections.

The DOLE reported that it had begun to investigate reports that more than 17,000 children were engaged in hazardous work in the Cordillera Administrative Region. Most of the children reportedly worked in the mining and quarrying industry under supervision of their parents.

The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators. The DOLE also works with NGO's and international organizations

such as the UNICEF and ILO-IPEC to assist children to return to school. The DOLE also rescues child workers; the DSWD then assists them in obtaining social services.

The Department of Education, Culture, and Sport participates in an interagency effort to return dropout children to school.

In March the owner of a piggery and poultry farm in Bulacan was convicted of the violation of child labor laws.

In March a massage parlor in Baguio City was found to be employing a minor. The mayor ordered the establishment closed.

In June the DOLE and DSWD rescued 36 minors, mostly Muslims from Mindanao, from employment in a candle factory in Valenzuela City, Metro Manila. The raid was prompted by complaints filed by 62 other Muslims who had fled the factory earlier.

In October a recruitment agency was raided by police, resulting in the rescue of 331 women and girls, some of them under the age of 21. The agency reportedly had been trafficking in women under 21 to work as entertainers in foreign countries, in violation of the law (see Sections 6.c. and 6.f.).

The law prohibits forced and bonded labor by children; however, despite government enforcement efforts, there were reports of its use, mainly in the informal sector and prostitution (see Sections 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—Tripartite regional wage boards set minimum wages. A round of wage increases was implemented in all regions of the country late in the year. The highest rates are in the National Capital Region (NCR) and the lowest in rural regions. The minimum daily wage for NCR nonagricultural workers is about \$5.50 (250 pesos), which does not provide a decent standard of living for a worker and family. At this pay level, at least two family members would have to work full-time to support a family of six above the level of the Government's minimum daily cost of living for the Manila area. The lowest minimum wages are in the Autonomous Region of Muslim Mindanao, where the daily agricultural wage is approximately \$2.90 (131 pesos). Large numbers of workers receive less than the minimum wage set for their area.

Regional wage board orders cover all private sector workers except domestic servants and other persons employed in the personal service of another. Boards outside the NCR exempted some employers because of factors such as establishment size, industry sector, involvement with exports, financial distress, and level of capitalization. These exemptions excluded substantial additional numbers of workers from coverage under the law. Unions have filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards is common. Many firms hire employees at below the minimum apprentice rates, even if there is no approved training in their productionline work. DOLE officials estimate a 30 to 40 percent noncompliance rate with the minimum wage requirement and acknowledge that the shortage of inspectors makes the law difficult to enforce. In addition to fines, the Government also makes use of administrative procedures and moral suasion to encourage voluntary employer correction of violations.

By law the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an 8-hour per day limit. An overtime rate of 125 percent of the hourly rate is mandated on ordinary days and 130 percent on rest days and holidays. The law mandates a full day of rest weekly. However, there is no legal limit on the number of overtime hours that an employer may require. Enforcement of work week hours is managed through periodic inspections by the DOLE.

Several NGO's seek to protect the rights of the country's 5 to 6 million overseas workers. The Government places financial sanctions and criminal charges on domestic recruiting agencies that are found guilty of unfair labor practices. Although the Philippine Overseas Employment Agency has registered and supervised domestic recruiters' practices successfully, the Government largely is unable to ensure workers' protection overseas. It seeks cooperation from receiving countries and proposes migrant worker rights conventions in international forums. The Government also provides assistance through its diplomatic missions in countries with substantial numbers of migrant workers. In May the President approved the establishment of a pension fund for overseas workers, special hospital and counseling services for the workers' families, and reintegration services, including housing and livelihood assistance.

The law provides for a comprehensive set of occupational safety and health standards exists in the law. The DOLE has responsibility for policy formulation and review of these standards, but with fewer than 300 inspectors nationwide, actual enforcement often is carried out by local authorities. DOLE officials acknowledge that their 253 inspectors are not adequate for the number of work sites in need of visits. Statistics on actual work-related accidents and illnesses are incomplete, as incidents (especially in agriculture) are underreported. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, and trafficking in women and children is a serious problem. The Government used five laws against related illegal commerce to address trafficking. The Philippines is a source, destination, and a transit point for trafficking in persons. Of

those persons trafficking through the country, many are from China, bound for Pacific island nations.

Many women seek employment overseas and are particularly vulnerable to exploitation by unethical recruiters who promise attractive jobs or, in some cases, arrange marriages with foreign men. Some eventually work as prostitutes or suffer abuse by their foreign employers or husbands. Those recruited to work as maids, entertainers, or models overseas may be forced to participate in public shows or dances where nudity and the prospect of sex are the principal attractions to clients. Other persons knowingly accept questionable jobs to support parents, children, or siblings with their remittances. There were reports of forced prostitution of children (see Section 6.c.).

In June the DOLE and DSWD rescued 36 minors, mostly Muslims from Mindanao, from employment in a candle factory in Valenzuela City, Metro Manila. The raid was prompted by complaints filed by 62 other Muslims who had fled the factory earlier (see Section 6.d.).

In October a recruitment agency was raided by police, resulting in the rescue of 331 women and girls, some of them under the age of 21. The agency reportedly had been trafficking in women under 21 to work as entertainers in foreign countries, in violation of the law (see Sections 6.c. and 6.d.).

There were no prosecutions for trafficking in humans during the year; however, in August two women suspected of trafficking in children were charged with violations of the Passport Law.

Within the country, child trafficking by illegal recruiters often brought children from poor rural areas to low-paying jobs in cities. Over 300,000 children 17 years of age and younger work as family domestic workers, for whom the minimum age is 15. Some recruiters reportedly bring girls between the ages of 13 and 17 to work in Manila or Cebu homes under terms that involve a "loan," advanced to their parents that the children are obliged to repay through their work. The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators (see Section 6.c. and 6.d.).

The DSWD, which is the lead agency in public assistance to victims of trafficking, continued to provide temporary shelter and counseling to women trapped in prostitution, but officials believe that this helped only a small number of victims of illicit recruitment (see Section 5). It also offered livelihood skills development and other services. DSWD officials noted that the number rescued failed to reflect the true extent of the prostitution problem since it reflected only those who obtained temporary shelter and counseling through the DSWD and local governments.

The 1995 Migrant Workers and Overseas Filipinos Act was enacted to provide the Government with greater financial resources and improved authority to combat such problems. However, NGOs believe that these measures have not been adequate since traffickers remain numerous and effective in luring women with promises of lucrative overseas contracts.

The Government's NCRFW is the lead agency on women's issues, including trafficking. Its principal function is to coordinate the implementation of government programs on the integration of women in national development. It monitors compliance with laws on equal treatment and protection of women and serves as a clearinghouse for related information.

In 1999 the Department of Foreign Affairs established an internal task force on trafficking in humans. Within the DOLE, the Bureau of Women's Affairs, the Overseas Workers Welfare Administration, and the Philippine Overseas Employment Administration (POEA) work on different aspects of the trafficking problem. The POEA, an attached agency of the DOLE, continued its efforts to end illegal recruiting. As of August, it had closed 125 firms for illegal recruitment. It also has raised the age, educational requirements, and professional standards for young women seeking jobs abroad and tried to discourage employment migration. Several Cabinet departments, presidential commissions, and legislators also are involved in vigorous public awareness campaigns.

The CHR investigates violations of the rights of trafficking victims and establishes cases for prosecution. It conducts public information and sectoral education campaigns, and provides human rights training for other government agencies, including the PNP.

The Government, in cooperation with the U.N. Center for International Crime Prevention and the U.N. Interregional Crime and Justice Research Institute, also is implementing a demonstration project in the country aimed at improving inter-agency coordination, strengthening law enforcement, and developing strategies to assist victims.

In March a Manila meeting of the Asian Regional Initiative Against Trafficking (ARIAT) developed a Regional Plan of Action on trafficking in persons, especially in

women and children. ARIAT was the first regional meeting to address all problems related to trafficking in persons. The Regional Action Plan includes strategies for combating trafficking from the AsiaPacific Region as well as to and within the region.

## SAMOA

Samoa is a parliamentary democracy that incorporates certain traditional practices into its legislative system. The Constitution of this Pacific island country of approximately 170,000 persons provides for a head of state; a unicameral legislature composed of family heads, or "matai," who are elected by universal suffrage; the protection of land rights and traditional titles; and other fundamental rights and freedoms. Executive authority is vested in the Head of State with the Government administered by the Cabinet, which consists of the Prime Minister and 12 ministers chosen by him. All laws passed by the Legislative Assembly need the approval of the Head of State, Malietoa Tanumafili II, who holds the position for life. The Legislative Assembly is to elect his successors for 5-year terms. The judiciary is independent.

The country does not have a defense force. The small national police force is controlled by the Government but has little effect beyond Apia, the capital city. Enforcement of rules and security within individual villages is vested in the "fono" (Council of Matai), which settles most internal disputes. Judgments by the fono usually involve fines or, more rarely, banishment from the village.

The country is poor with a market-based economy in which more than 60 percent of the work force are employed in the agricultural sector. Fish, kava, and coconut products are the principal exports. The small industrial sector is dominated by a Japanese factory that assembles automotive electrical parts for export. The Government continues an effort to promote tourism. Per capita gross domestic product is \$1,100 per year. The country is heavily dependent on foreign aid and on remittances sent to family members by the more than 100,000 Samoans living overseas.

The Government generally respected the human rights of its citizens. Principal human rights abuses arise from political discrimination against women and nonmatai, and violence against women and children. Societal pressures and customary law may interfere with the ability to conduct fair trials. Those who do not conform to accepted societal values may face pressure, threats, violence, and banishment. There are some restrictions on freedom of speech, press, and religion. An August Supreme Court ruling ordered government-controlled media to allow opposition parties access, and in July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

Three persons were convicted and sentenced to death for the July 1999 murder of Minister of Public Works Luaglau Levaula Kamu: The former Minister of Women's Affairs Luagalau Levaulu Kama; his son, Eletise Leafa Vitale; and the former Minister of Telecommunications, Toi Aokuso Cain. The Head of State commuted the death sentences to life in prison for all three.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that officials practiced them.

Although jail conditions are fairly basic with respect to food and sanitation, they appear to meet minimum international standards, and there have been no reports of abuses in prisons. While there are human rights groups, the question of monitoring prison conditions by them has not arisen. Prison visits by family members and church representatives are permitted.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions. However, villages are governed by customary law, and the fono may mete out banishment when deemed necessary. Banishment is one of the harshest forms of punishment in this collective society. Civil courts have overruled banishment orders. In July the Supreme Court ordered the reinstatement of 32 persons who were banished from a vil-



lage for practicing a religion other than that traditionally practiced in the village (see Section 2.c.).

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The law provides for the right to a fair public trial, and this is honored by the official court system. However, many civil and criminal matters are not handled by courts but by village fono, which vary considerably both in their decisionmaking style and in the number of matai involved in the decisions. The 1990 Village Fono Act gives legal recognition to the decisions of the fono and provides for limited recourse of appeal to the Lands and Titles Courts and to the Supreme Court. In July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Section 2.c.).

The judiciary consists of the magistrates' courts, the coroners' courts, and the Lands and Titles Court, with the High or Supreme Court at the apex of the system.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law provides substantive and procedural safeguards from invasion of the home or seizure of property, including a requirement for search warrants, which are issued by the judicial branch. However, there is little or no privacy in villages. While village officials by law must have permission to enter homes, there can be substantial societal pressure to grant such permission.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. In August the Supreme Court overturned a 1997 ban by the then Prime Minister on coverage of the leader of the opposition on state-run radio and television stations. In practice the Government's ban largely had been symbolic, since opposition statements received prominent coverage in the private news media. In July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Sections 1.e. and 2.c.).

The Newspapers and Printers Act and the Defamation Act require journalists to reveal their sources in the event of a defamation suit against them. There has been no court case requiring that these acts be invoked.

In February the Supreme Court dismissed a petition brought by government-owned Polynesian Airlines against the independent newspaper the Samoa Observer that asked the court to jail the newspaper's editors. In 1999 the Supreme Court had granted Polynesian Airlines an injunction to prevent the newspaper from publishing news about the company's expenses for senior staff, and the airline filed the petition in response to a subsequent editorial about the incident.

Two English-language newspapers and a number of Samoan-language newspapers are printed regularly. The Government operates a radio station and the sole television station. There are two private radio stations, and a satellite-cable system is now available in parts of Apia. Television from American Samoa is readily available. Internet use is expanding rapidly, both as a news source, and as a means of two-way communication; there has been no government interference with its use.

The Government respects academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice. In July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Sections 1.e. and 2.c.).

*c. Freedom of Religion.*—The Constitution provides for freedom of religion along with freedom of thought and conscience, and the Government generally respects these rights in practice; however, local officials at times infringe on these rights.

The preamble to the Constitution acknowledges "an Independent State based on Christian principles and Samoan custom and traditions." Nevertheless, while Christianity is constitutionally favored, there is no official or state denomination.

Although the Constitution grants each person the right to change religion or belief and to worship or teach religion alone or with others, in practice the matai often choose the religious denomination of the aiga (extended family). Despite the constitutional protection, village councils—in the name of maintaining social harmony within the village—sometimes banish or punish families that do not adhere to the prevailing religious belief in the village.

In June the Supreme Court ordered the release of 42 Bible study group members, whom their village fono had ordered jailed because they violated a village law banning practice of any but the village majority's religion.

In July the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association. The plaintiffs had complained that the village matai in Saipipi village had prohibited them from conducting Bible classes or church services on the village's communal land and limited the number of churches allowed in the village (see Section 1.d.).

Missionaries operate freely, either as part of one of the established churches, or by conducting independent revival meetings. The major denominations (for example, Congregational, Methodist, Catholic, and Church of Jesus Christ of Latter-Day Saints) that are present in the country also have missionaries. There is an independent Christian radio and television station.

The Constitution provides freedom from unwanted religious indoctrination in schools but gives each denomination or religion the right to establish its own schools; these provisions are adhered to in practice. There are both religious and public schools; the public schools do not have religious instruction as part of their curriculum. There are pastoral schools in most villages to provide religious instruction following school hours.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of internal movement, but in practice some citizens have been banished either from village activities or completely from their villages. The Government actively supports emigration as a "safety valve" for pressures of a growing population, especially for potentially rebellious youths, and because it generates foreign income through remittances. There are an estimated 100,000 Samoans living abroad and their remittances make an important contribution to the national economy. The Government does not restrict foreign travel arbitrarily or the right of citizens to return from abroad.

Samoa has not had any refugees or asylum seekers. It is a signatory to the 1951 U.N. Convention Relating to the Status of Refugees; however, the Government has not enacted enabling legislation or formulated a policy regarding refugees, asylees, or first asylum. However, the authorities have indicated that they would conform to international norms if such cases should arise.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have the right to change their government through direct, multiparty elections; however, women's political rights are restricted by the fact that few of them are matai. While all citizens above the age of 21 may vote, the right to run for 47 of the 49 seats in the Legislative Assembly remains the prerogative of the approximately 25,000 matai, 95 percent of whom are men. The remaining two seats are reserved for citizens not of Samoan heritage. Matai continue to control local government through the village fono, which are open to them alone.

The political process is more a function of personal leadership characteristics than of party. The Human Rights Protection Party (HRPP) has dominated the political process, winning five consecutive elections since 1982. The 1996 general elections again gave the HRPP a majority, but in 1998 ill health forced then-Prime Minister Tofilau Eti Alesana to resign. The HRPP caucus selected former Deputy Prime Minister Tuilaepa Sailele Malielegaoi as Acting Prime Minister. Tofilau died in March 1999, and Tuilaepa became Prime Minister. Although candidates are free to propose themselves for electoral office, in practice they require the approval of the village high chiefs. Those who ran in the 1996 elections despite fono objections faced ostracism and even banishment from their village. Following the 1996 elections, there were multiple charges of fraud and bribery. Four elections subsequently were overturned by the Supreme Court, and by-elections were held.

Elections are scheduled for April 2001, and Parliament is considering an amendment to the Elections Law, which would require anyone planning to run to have resided in the country continuously for 3 years.

There are no prohibitions on the formation of opposition parties, and there are a total of five political parties, two of which are represented in Parliament.

Women are underrepresented in government and politics; however, they occasionally reach high public office. The 12-member Cabinet has 1 female member, and women hold 3 of the 49 seats in the Legislative Assembly.

### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of human rights groups operated without government restriction. Government officials usually are cooperative.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. Society is homogeneous with no significant ethnic minorities. Politics and culture are the product of a heritage of chiefly privilege and power, and members of certain families have some advantages. While there is discrimination against women and nonmatai who only occasionally may reach high office, women (and particularly female matai) play an important role in society.

*Women.*—While the law prohibits the abuse of women, social custom tolerates their physical abuse within the home. The role and rights of the village fono and tradition prevent police from interfering in instances of domestic violence, unless there is a complaint from the victim—which village custom strongly discourages. While police receive some complaints from abused women, domestic violence offenders typically are punished by village councils, but only if the abuse is considered extreme (i.e., visible signs of physical abuse). The village religious leader also may intervene in domestic disputes.

The State punishes persons responsible for extreme assault cases, including by imprisonment.

Many cases of rape still go unreported because tradition and custom discourage such reporting. Despite such discouragement, the authorities note a greater number of reported cases of rape, as women slowly become more forthcoming with the police. Rape cases that reach the courts are treated seriously. Convicted offenders often are given relatively stiff sentences of several years' imprisonment.

The traditional subordinate role of women is changing, albeit slowly, especially in the more conservative parts of society. The Ministry of Women's Affairs oversees and helps secure the rights of women.

*Children.*—The Government has made a strong commitment to the welfare of children through the implementation of various youth programs by the Ministry of Education and the Ministry of Health. Education is free and compulsory through age 16. Law and tradition prohibit severe abuse of children, but tradition tolerates corporal punishment. The police have noted an increase in reported cases of child abuse, which was attributed to citizens becoming more aware of the need to report physical, emotional, and sexual abuse of children.

Three behavior modification camps for expatriate children with emotional or behavior problems exist in the country. They are not supervised closely, but are not known to be abusive to the children in their care.

*People with Disabilities.*—The Government has passed no legislation pertaining to the status of disabled persons or regarding accessibility for the disabled. Tradition dictates that the family cares for a disabled person, and this custom is observed widely in practice.

*Section 6. Worker Rights*

*a. The Right of Association.*—Workers legally have unrestricted rights to establish and join organizations of their own choosing. There are two trade unions in the country. The Samoa National Union, organized in 1994, is a six-member association that includes workers from the three major banks. A second union represents members at the sole factory in the country. Both unions are independent of the Government and political parties. There are no laws specific to union activity. The Commissioner of Labor adjudicates any cases of retribution against strikers or union leaders on a case-by-case basis.

The Public Service Association, which represents government workers (an increasingly important sector of the work force), also functions as a union. The Supreme Court has upheld the right of government workers to strike, subject to certain restrictions imposed principally for reasons of public safety. Workers in the private sector have the right to strike, but there were no strikes during the year. The Public Service Association freely maintains relations with international bodies and participates in bilateral exchanges.

*b. The Right to Organize and Bargain Collectively.*—While workers have the legal right to engage in collective bargaining, they seldom have practiced it, due to the novelty of union activity and the inexperience of union leaders. The Public Service Association engages in collective bargaining on behalf of government workers, including bargaining on wages. In June the Nurses Union successfully negotiated a modest pay increase.

An advisory commission to the Minister of Labor sets minimum wages. Wages in the private sector are determined by competitive demand for the required skills. Any antiunion discrimination case would be reported to and adjudicated by the Commissioner of Labor. Arbitration and mediation procedures are in place to resolve labor disputes, although such disputes rarely arise.

Labor law and practice in the one export processing zone are the same as in the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—Compulsory labor is prohibited by law, and the Government respects this prohibition in practice; however, in this collective society persons, including minors, frequently are called upon to work for their villages. Most persons do so willingly; however, the matai may compel those who do not (see Section 6.d.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Under the 1972 Labor and Employment Act (LEA), as amended, it is illegal to employ children under 15 years of age except in "safe and light work." The Commissioner of Labor refers complaints about illegal child labor to the Attorney General for enforcement. Children frequently are seen vending goods and food on Apia street corners. Although the practice constitutes a violation of the LEA, local officials mostly tolerate and overlook it. There are no reports of bonded labor by children, but the LEA does not apply to service rendered to the matai, some of whom require children to work for the village, primarily on village farms (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The LEA established for the private sector a 40-hour workweek and an hourly minimum wage of \$0.47 (WSS 1.40). This minimum wage suffices for a basic standard of living for worker and family when supplemented by the subsistence farming and fishing in which most families engage. The act provides that no worker should be required to work for more than 40 hours in any week.

The act also establishes certain rudimentary safety and health standards, which the Attorney General is responsible for enforcing. However, independent observers report that the safety laws are not enforced strictly except when accidents highlight noncompliance. Many agricultural workers, among others, are inadequately protected from pesticides and other dangers to health. Government education programs are addressing these concerns. The act does not apply to service rendered to the matai. While the act does not specifically address the right of workers to remove themselves from a dangerous work situation, a report of such a case to the Commissioner of Labor would prompt an investigation, without jeopardy to continued employment. Government employees are covered under different and more stringent regulations, which are enforced adequately by the Public Service Commission.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country.

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## SINGAPORE

Singapore is a parliamentary republic in which politics is dominated overwhelmingly by the People's Action Party (PAP), which has held power uninterruptedly since Singapore gained autonomy from the United Kingdom in 1959. Opposition parties exist and regularly contest elections; however, the PAP holds 80 of 83 elected parliamentary seats (1 is vacant) and all ministerial positions. Elections take place at regular, constitutionally mandated intervals. The judiciary is efficient and constitutionally independent; however, there has been a perception that it reflects the views of the executive in politically sensitive cases as government leaders historically have utilized court proceedings, in particular defamation suits, against political opponents and critics.

The police are responsible for routine security within the country and for the protection of the borders, including action against illegal immigrants and patrolling the island's territorial waters. The military forces are responsible for external defense. The Internal Security Department (ISD) in the Ministry of Home Affairs is authorized by the Internal Security Act (ISA) to counter such perceived threats to the nation's security as espionage, international terrorism, threats to racial and religious harmony, and subversion. The Government's use of the ISA to control what it considers serious security threats has decreased. The civilian Government maintains tight control over all security activities. There were reports that members of the security forces occasionally committed human rights abuses.

Singapore has a free market economic system. Financial and business services industries, manufacturing of semiconductors and telecommunications equipment, and petroleum refining and petrochemical production are key sectors of the economy. The Government has liberalized broadly market access for telecommunications and financial services providers. Economic growth increased to an estimated 10.1 percent during the year, improving on the 5.6 percent registered in 1999. Per capita

gross domestic product was estimated at \$23,383. Wealth is distributed broadly and the unemployment rate is low.

The Government generally respected the human rights of its citizens; however, there were significant problems in some areas. The Government has wide powers to limit citizens' rights and to handicap political opposition. There were occasional instances of police abuse; however, the Government investigates and punishes those found guilty, and the media fully cover allegations of mistreatment. Caning, in addition to imprisonment, is a routine punishment for numerous offenses. The Government continues to rely on preventive detention to deal with espionage, organized crime, and narcotics. The authorities sometimes infringe on citizens' privacy rights.

The Government did not change the wide array of laws and government practices, or the informal methods of government influence, that continue to restrict freedom of speech and the press significantly and limit other civil and political rights. Government intimidation and pressure to conform result in the practice of self-censorship among journalists. Government leaders historically have utilized court proceedings, in particular defamation suits, against political opponents and critics. These suits, which consistently have been decided in favor of government plaintiffs, have chilled political speech and action, and created a perception that the ruling party uses the judicial system for political purposes. While no new defamation suits were filed during the year, some opposition leaders remain at risk of bankruptcy because of efforts by ruling party members to collect damages awarded in previous years. In June an opposition party leader lost a legal appeal to forestall payment of damages stemming from a 1998 defamation lawsuit filed against him by PAP members. There was a moderate level of ongoing debate in newspapers and Internet chat groups on various public issues, and the Government established a Speakers' Corner in a public park to facilitate the ability of persons to speak in public on a range of issues. However, government restrictions on such persons still inhibited their ability to speak freely. The Government significantly restricts freedom of assembly and association. Jehovah's Witnesses and the Unification Church are banned; however, freedom of religion otherwise generally is respected. There is some legal discrimination against women, which affects benefits for children and husbands in limited cases. The Government has moved actively to counter societal discrimination against women and minorities, but violence and some discrimination against women and reports of trafficking in persons for the purpose of prostitution persist. Foreign workers are vulnerable to mistreatment and abuse.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture; however, there were occasional instances of police mistreatment of detainees, and there were a few reports of police abuse during the year. The media report fully on allegations of police abuse of those arrested, and the Government takes action against abusers. The press reported that approximately 10 law enforcement officers were jailed for using excessive force on prisoners and suspects since 1995. In March a court disallowed the confession of a youth who had alleged that police beat him to force his confession to the sale of pirated video disks after a January 1999 arrest. The court ruled that it could not be certain that the admission was made voluntarily. In 1999 56 complaints of police abuse of detainees were filed, of which 7 were substantiated.

The Penal Code mandates caning, in addition to imprisonment, as punishment for some 30 offenses involving the use of violence or threat of violence against a person, such as rape and robbery, and also for such nonviolent offenses as vandalism, drug trafficking, and violation of immigration laws. Caning is discretionary for convictions on other charges involving the use of criminal force, such as kidnapping, or voluntarily causing grievous hurt. Women, men over age 50 or under age 16, and those determined unfit by a medical officer are exempted from punishment by caning. Although current statistics are not available, caning is a commonly administered punishment within the stipulations of the law. Prison conditions generally are good and meet minimum international standards.

The Government does not allow human rights monitors to visit prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The law provides that, in most instances, arrests are to be carried out following the issuance of an authorized warrant; however, some laws provide for arrests without warrants. Those arrested must be charged before a magistrate within 48 hours. The great majority of those arrested

are charged expeditiously and brought to trial. Those who face criminal charges are allowed counsel, and the Law Society of Singapore administers a criminal legal aid plan for those who cannot afford to hire an attorney. A functioning system of bail exists for persons who are charged. In death penalty cases, the Supreme Court appoints two attorneys for defendants who are unable to afford their own counsel.

Some laws—the Internal Security Act (ISA), the Criminal Law (Temporary Provisions) Act (CLA), the Misuse of Drugs Act (MDA), and the Undesirable Publications Act (UPA)—have provisions for arrest without warrant. The ISA historically is employed primarily against suspected Communist-related security threats. The CLA historically has been employed primarily against suspected organized crime (i.e., mainly secret society activities), and drug trafficking; however, it also has been used against suspected espionage activities. Opposition politicians have called for the abolition of the ISA, but the Government has rejected these calls, claiming that citizens accept the act as an element of the nation's security.

The ISA and the CLA permit preventive detention without trial for the protection of public security or safety or the maintenance of public order. The ISA gives broad discretion to the Minister for Home Affairs to order detention without charges at the direction of the President, if the latter determines that a person poses a threat to national security. The initial detention may be for up to 2 years and may be renewed without limitation for additional periods up to 2 years at a time. Detainees have a right to be informed of the grounds for their detention and are entitled to counsel. However, they have no right to challenge the substantive basis for their detention through the courts. The ISA specifically excludes recourse to the normal judicial system for review of a detention order made under its authority. Instead detainees may make representations to an advisory board, headed by a Supreme Court justice, which reviews each detainee's case periodically and must make a recommendation to the President within 3 months of the initial detention. The President may concur with the advisory board's recommendation that a detainee be released prior to the expiration of the detention order but is not obligated to do so.

No one was detained under the ISA from 1989 through 1996. Two persons were detained in 1997, and four in 1998, all for alleged espionage. As of August, only one of these persons remained in detention; four had been released by the end of 1998. There were no reports of any new detentions under the ISA during the year.

The CLA comes up for renewal every 5 years; it was strengthened and extended for another 5 years in April 1999. Under its provisions, the Minister for Home Affairs may order preventive detention, with the concurrence of the Public Prosecutor, for an initial period of 1 year, and the President may extend detention for additional periods up to 1 year at a time. The Minister must provide a written statement of the grounds for detention to the Criminal Law Advisory Committee (CLAC) within 28 days of making the order. The CLAC then reviews the case at a private hearing. CLAC rules require detainees to be notified of the grounds of their detention at least 10 days prior to the hearing. The detainee may represent himself or be represented by a lawyer. After the hearing, the Committee makes a written recommendation to the President, who may cancel, confirm, or amend the detention order. However, persons detained under the CLA may have recourse to the courts via an application of a writ of habeas corpus. Persons detained without trial under the CLA are entitled to counsel but only may challenge the substantive basis for their detention to the CLAC. The CLA is used almost exclusively in cases involving narcotics and secret criminal societies and has not been used for political purposes. According to official figures, less than 400 persons were detained under the provisions of the CLA through June, a decrease from the 450 persons detained at the end of 1998.

Persons who allege mistreatment under detention may bring criminal charges against government officials who are alleged to have committed such acts; there were no reports during the year that persons were discouraged from making such accusations by fear of official retaliation (see Section 1.e.).

Both the ISA and the CLA contain provisions that allow for such modified forms of detention as curfews, residence limitations, requirements to report regularly to the authorities, limitations on travel, or, in the case of the ISA, restrictions on political activities and association.

The MDA permits detention without trial. Under the MDA, the director of the CNB also may commit—without trial—suspected drug abusers to a drug rehabilitation center for up to 3 years. At the end of 1998, almost 5,000 persons were detained under the provisions of the MDA for treatment and rehabilitation. Under the Intoxicating Substances Act, the CNB director may order the treatment for rehabilitation of a person believed to be an inhalant drug abuser for up to 6 months.

The Constitution prohibits exile, and the Government respects the prohibition in practice.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision; however, laws that limit judicial review allow for some restrictions in practice. Some judicial officials, especially Supreme Court judges, have ties to the ruling party and its leaders. However, these ties generally do not appear to influence the judiciary's independence. The President appoints judges to the Supreme Court on the recommendation of the Prime Minister in consultation with the Chief Justice. The President also appoints subordinate court judges on the recommendation of the Chief Justice. The term of appointment is determined by the Legal Service Commission, of which the Chief Justice is the chairman. The 1989 constitutional amendments that eliminated judicial review of the objective grounds for detention under the ISA and subversion laws allow the Government to restrict, or even eliminate, judicial review in such cases and thereby restrict, on vaguely defined national security grounds, the scope of certain fundamental liberties provided for in the Constitution. Under the ISA and the CLA, the President and the Minister of Home Affairs have substantial de facto judicial power, which explicitly (in the case of the ISA) or implicitly (in the case of the CLA) excludes normal judicial review.

Government leaders historically have used court proceedings, in particular defamation suits, against political opponents and critics (see Sections 2.a. and 3.). Both this practice and consistent awards in favor of government plaintiffs have raised questions about the relationship between the Government and the judiciary and led to a perception that the judiciary reflects the views of the executive in politically sensitive cases. Two cases from the most recent elections—defamation actions against Workers' Party (WP) politicians Tang Liang Hong and J.B. Jeyaretnam for statements they made during the campaign (see Sections 2.a. and 3)—perpetuated the perception of undue judicial sympathy for government plaintiffs.

The judicial system has two levels of courts: The Supreme Court, which includes the High Court and the Court of Appeal; and the subordinate courts. Subordinate court judges and magistrates, as well as public prosecutors, are civil servants whose specific assignments are determined by the Legal Service Commission, which can decide on job transfers to any of several legal service departments. The subordinate courts handle the great majority of civil and criminal cases in the first instance. The High Court may hear any civil or criminal case, although it generally limits itself to civil matters involving substantial claims and criminal matters carrying the death penalty or imprisonment of more than 10 years. The Court of Appeal is the highest and final court of review for matters decided in the subordinate courts or the High Court. In addition the law provides for Islamic courts whose authority is limited to Islamic family law.

If they wish, Supreme Court Justices may remain in office until the mandatory retirement age of 65, after which they may continue to serve at the Government's discretion for brief, renewable terms at full salary. The Constitution has a provision for the Prime Minister or the Chief Justice to convene a tribunal in order to remove a justice "on the ground of misbehavior or inability...to properly discharge the functions" of office, but it has never been used.

The judicial system provides citizens with an efficient judicial process. In normal cases, the Criminal Procedures Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the prosecution or the magistrate. Defendants enjoy a presumption of innocence and the right of appeal, in most cases. They have the right to be present at their trials, to be represented by an attorney, to confront witnesses against them, to provide witnesses and evidence on their own behalf, and to review government-held evidence relevant to their cases. Trials are public and by judge. There are no jury trials.

The Constitution extends these rights to all citizens. However, persons detained under the ISA or CLA are not entitled to a public trial. In addition proceedings of the advisory board under the ISA and CLA are not public (see Section 1.d.).

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Government generally respects the privacy of homes and families; however, it has a pervasive influence over civic and economic life and sometimes uses its wide discretionary powers to infringe on these rights. Normally, the police must have a warrant issued by a magistrate's court to conduct a search. However, they may search a person, home, or property without a warrant if they decide that such a search is necessary to preserve evidence. The Government has wide discretionary powers under the ISA, CLA, MDA, and UPA to conduct searches without a warrant if it determines that national security, public safety or order, or the public interest are at issue. Defendants may request judicial review of such searches.

Divisions of the Government's law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board, have wide net-

works for gathering information and highly sophisticated capabilities to monitor telephone and other private conversations and conduct surveillance. It is believed that the authorities routinely monitor telephone conversations and use of the Internet; however, there were no confirmed reports of such practices during the year. The law permits government monitoring of Internet use. In April 1999, the Ministry of Home Affairs probed the computers of 200,000 customers of an Internet service provider (ISP) for evidence of a computer virus infection. After a public controversy, the Ministry announced in May 1999 that it would reject future requests to conduct such probes, and the National Information Technology Committee within the Ministry of Home Affairs developed guidelines for ISP conduct later that year. It is widely believed that the authorities routinely conducted surveillance on some opposition politicians and other government critics; however, no such reports were substantiated during the year.

The Government is active in some areas normally considered private, in pursuit of what it considers the public interest. For example the Government continues to enforce ethnic ratios for publicly subsidized housing, where the majority of citizens live and own their own units, designed to achieve an ethnic mix more or less in proportion to that in the society at large.

The Government does not permit the import of newspapers from Malaysia and bans or restricts the import of other publications (see Section 2.a.). However, it does not block Internet access to these publications.

Malaysian and Indonesian television and radio programming may be received, but satellite dishes are banned, with few exceptions. The Government stated that it would review the restriction on satellite dishes in 2002 (see Section 2.a.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and expression but permits official restrictions on these rights, and in practice the Government significantly restricts freedom of speech and of the press. The Government's authoritarian style has fostered an atmosphere inimical to fully free speech and the press. Government intimidation and pressure to conform result in the practice of self-censorship among journalists; however, there was some limited progress towards greater openness during the year, including a moderate level of ongoing debate in newspapers and Internet chat groups on various public issues.

Under the ISA, the Government may restrict or to place conditions on publications that incite violence, that counsel disobedience to the law, that might arouse tensions among the various segments of the population (races, religions, and language groups), or that might threaten national interests, national security, or public order. While the ISA rarely has been invoked recently, political opposition and criticism remain restricted by the Government's power to define these restrictive powers broadly. Occasional government references during controversies to speech that it considers "out-of-bounds" are understood to be implicit threats to invoke the ISA; however, these limits are not codified, and journalists and others generally believe that these limitations have shifted toward greater tolerance in recent years.

Government leaders often have challenged publicly the legitimacy of political speech articulated outside what they call the "Western model" of journalism, in which the Government claims that the media report news from their perspective, rather than to act responsibly, which generally is understood to mean to support the goals of the elected leadership and preserve social and religious harmony. In addition strict defamation and press laws and the Government's demonstrated willingness to defend vigorously against what it considers personal attacks of officials, have led journalists sometimes to refrain from publishing items about issues such as alleged government corruption, nepotism, or a compliant judiciary.

The Government strongly influences both the print and the electronic media. Singapore Press Holdings Ltd. (SPH), a private holding company with close ties to the Government, owns all general circulation newspapers in the four official languages—English, Chinese, Malay, and Tamil. The Government must approve, and can remove, the holders of SPH management shares, who have the power to appoint or dismiss all directors or staff. The Government also may remove citizens as stockholders. As a result, while newspapers print a large and diverse selection of articles from domestic and foreign sources, their editorials, coverage of domestic events, and coverage of sensitive foreign relations issues closely reflect government policies and the opinions of government leaders.

However, columnists' opinions, editorials, and letters to the editor express a range of opinions on public issues. For example, there was an active and often critical public debate in the print media over the Government's decision in late June to link the salaries of government ministers to top private sector salaries. The importation of some publications is barred, although a wide range of international magazines



and newspapers may be purchased uncensored; however, newspapers printed in Malaysia may not be imported (see Section 1.f.).

Government leaders from time to time have used defamation lawsuits or the threat of such actions to discourage public criticism and intimidate opposition politicians and the press. There were no new defamation cases filed by ruling party figures during the year. Nevertheless, the unbroken success of government leaders' suits has fostered caution about political speech among the public and a culture of selfcensorship within the news media, and has demonstrated the danger of engaging in opposition politics. At year's end, Workers' Party (WP) secretary general J.B. Jeyaretnam, a nominated M.P., remained in danger of bankruptcy due to failure to pay damages ordered against him in several individual law suits. A declaration of bankruptcy would result in the forfeiture of his parliamentary seat. The Prime Minister and foreign minister did not pursue collection of the judgments against Jeyaretnam during the year. However, the WP leader was declared bankrupt briefly in May until he made a payment to two plaintiffs; in June he lost his legal appeals to forestall payment to eight other plaintiffs. Both cases stemmed from an article in a WP publication that criticized the organizers of Tamil Week, an event that promoted the use of the Tamil language. In 1998 a court ruled that Jeyaretnam is responsible as the editor of the publication.

In November Parliament amended the Public Entertainment Act. The revisions included changing the act's title to the Public Entertainment and Meetings Act (PEMA). Both before and after these revisions, a permit is required under the law for virtually any form of public speech or entertainment. After the revisions, permits no longer are required to hold a garden party. In September police denied a permit to an opposition MP to speak at a dinner that his party organized. The 1999 convictions of Chee Soon Juan, Secretary-General of the opposition Singapore Democratic Party, for giving two public speeches without a permit sparked widespread discussion in the press by the public and officials regarding the possibility for relaxing these restrictions. Chee had asserted that he had no alternative but to violate the act, since his earlier applications under the PEA either were refused or approved so late that the event had to be canceled.

Members of an independent political discussion group proposed in a newspaper article the creation of free speech areas patterned after the "Speakers' Corner" found in Hyde Park, in London, England. After first refusing to consider this suggestion, the Government later decided to institute a Speakers' Corner; however, government restrictions on speakers still limited their abilities to speak freely. Prospective speakers, who must be citizens, must show their identification cards and register in advance with police, but need not obtain a public entertainment license (see Section 2.b.). Speakers must register their intention to speak 30 days in advance. A list of registered speakers is posted on a notice board outside the police station. While speech topics are not required to be declared in advance, the government regulations governing the Speakers' Corner state that, "the speech should not be religious in nature and should not have the potential to cause feelings of enmity, ill will, or hostility between different racial or religious groups." A variety of persons, including politicians, social activists, and ordinary citizens, availed themselves of Speakers' Corner during the year.

The government-linked holding company, Singapore International Media Pte Ltd., has a near monopoly on radio and television broadcasting. Subsidiaries operate all 4 broadcast television channels and 10 of the 15 domestic radio stations. Of the five remaining radio stations, four are owned by organizations with close government affiliation—two by the Singapore Armed Forces Reservists' Association (SAFRA) and two by the National Trade Union Congress (NTUC). Only one, the British Broadcasting Corporation (BBC) World Service, is completely independent of the Government. Some Malaysian and Indonesian television and radio programming can be received, but satellite dishes are banned, with few exceptions (see Section 1.f.).

An increasing number of foreign media operations are located within the country. A 1990 law requires foreign publications that report on politics and current events in Southeast Asia to register and post a \$141,000 (SD234,000) bond and name a person in the country to accept legal service. These requirements strengthen the Government's control over foreign media. Under amendments to the Newspaper and Printing Presses Act, the Government may limit the circulation of foreign publications that it determines interfere in domestic politics. Also, in 1999 the Government announced that foreign electronic media must meet the same reporting standards as foreign print media. However, this requirement has not been enforced. The weekly circulation of the Asian Wall Street Journal (AWSJ), Asiaweek, and the Far Eastern Economic Review (FEER), all foreign publications, is limited (or "gazetted"). The fact that the Government gradually has raised the allowed weekly circulation of the FEER and Asiaweek corresponding more or less to actual demand allows the Gov-

ernment to maintain this aspect of control over the press while still maintaining the appearance of flexibility. The Government may ban the circulation of domestic and foreign publications under provisions of the ISA and the UPA (see Section 1.f.).

The authorities censor movies, television programs, video materials, computer games, and music. The Singapore Broadcasting Authority (SBA), established in 1994 to regulate and promote the broadcasting industry, develops censorship standards with the help of a citizen advisory panel. The ISA, the UPA, and the Films Act allow the ban, seizure, censorship, or restriction of written, visual, or musical materials if the SBA determines that they threaten the stability of the State, are pro-Communist, contravene moral norms, are pornographic, show excessive or gratuitous sex and violence, glamorize or promote drug use, or incite racial, religious, or linguistic animosities. Polls indicate that there is strong public support for continued censorship of sex and violence in films. There is a list of banned films, which is not made public. Certain films that might be barred from general release may be allowed limited showings, either censored or uncensored, with a special rating.

The UPA was amended in 1998 to include compact discs, sound recordings, pictures, and computer-generated drawings, and to raise the fine for distribution or possession of banned publications. The list of banned English-language publications consists primarily of sexually oriented materials, but also includes some religious and political publications. The Films Act was amended in 1998 to ban political advertising using films or videos. The Government justified the ban as protecting politics from sensationalism, innuendo, and inaccuracy, but one effect was to restrict further an already limited range of what was deemed acceptable political discourse (see Section 3). Opposition politician Chee Soon Juan alleged in 1999 that prominent bookstores, pressured by the Government, refused to carry copies of a book he authored. He also alleged that, after his book was printed in Malaysia, the Government would not allow its import.

Since 1996 the SBA has regulated access to material on the Internet, using a framework of web site licenses to encourage accountability and responsible use of the Internet. It also regulates Internet material by licensing Internet service providers who install "proxy servers" through which local users must route their Internet connections. Such services act as a filter for content that the Government considers objectionable and can block access to certain sites. While the Government does not consider regulation of the Internet to be censorship, the SBA directs service providers to block access to web pages that, in the Government's view, undermine public security, national defense, racial and religious harmony, and public morals. The SBA in 1996 ordered Internet service providers to block access to some sites, most or all of which the Government believed are pornographic; however, the list of blocked sites is difficult to verify since it is not a matter of public record. In 1997 the SBA announced a new Internet Code of Practice to further clarify what types of material were forbidden and specify the responsibilities of Internet providers. The SBA stated that it had no intention of monitoring Internet or electronic mail use but intended to block access to material that contained pornography or excessive violence or that incited racial or religious hatred (see Section 1.f.).

All public institutions of higher education and political research institutions are linked closely to the Government. Although faculty members technically are not government employees, in practice they are subject to potential government influence. Academics speak and publish widely, and engage in debate on social and political issues. However, they are aware that public comments outside the classroom or academic publications that venture into the prohibited areas—criticism of political leaders or sensitive social and economic policies, or comments that might disturb ethnic or religious harmony or that appear to advocate partisan political views—could subject them to sanctions. Publications by local academics and members of research institutions rarely deviate substantially from government views.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution grants citizens the right of peaceful assembly but permits Parliament to impose restrictions "as it considers necessary or expedient" in the interest of security, and the Government restricts this right in practice. Assemblies of more than five persons in public, including political meetings and rallies, must have police permission. Spontaneous public gatherings or demonstrations virtually are unknown. The Government closely monitors political gatherings regardless of the number of persons present. Persons who wish to speak at a public function, excluding functions provided by or under the auspices of the Government, must obtain a public entertainment license from the police. Opposition politicians routinely experienced delays before being notified of the decision on their applications, although the Government claims that the delays come only when the applications were submitted late (see Section 2.a.). In May authorities denied approval for a forum on gays and lesbians, citing the illegality of homosexual acts. On December 31, police arrested and later charged 15

Falun Gong adherents for conducting protest without a permit; only 2 of those arrested were Singapore citizens. The 15 persons arrested had participated in an assembly of 60 Falun Gong members who sought to draw attention to the arrest and killing of Falun Gong members in China. The group had not sought a permit, asserting that police had not responded to their previous efforts to obtain permits.

The Constitution provides for freedom of association but permits Parliament to impose restrictions that "it considers necessary or expedient" in the interest of security, and the Government restricts this right in practice. Most associations, societies, clubs, religious groups, and other organizations with more than 10 members must be registered with the Government under the Societies Act. The Government denies registration to groups that it believes are likely to have been formed to assemble for unlawful purposes or for purposes prejudicial to public peace, welfare, or public order (see Section 2.c.). The Government has absolute discretion in applying this broad, vague language to register or dissolve societies. The Government prohibits organized political activities except by organizations registered as political parties. This prohibition limits opposition activities, and, along with other factors, contributes to restrict the scope of unofficial political expression and action (see Section 3). The prohibition affects the PAP less because of its long domination of the Government and its overwhelming parliamentary majority; the PAP is able to use non-political organizations such as residential committees and neighborhood groups for political purposes far more extensively than can opposition political parties.

There are few nongovernmental organizations (NGO's), apart from ostensibly non-political organizations such as religious groups, ethnically-affiliated organizations, and providers of welfare services. The dominant role of the Government in almost every facet of life and the limiting effect of the law on the formation of publicly active organizations are, in large part, responsible for this situation. However, during 1999 a group of NGO's formed what they called "the Working Committee" as an umbrella group through which various NGO's could exchange information and cooperate to promote the development of civil society.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the Government bans some religious groups. The Constitution provides that every citizen or person in the country has a constitutional right to profess, practice, or propagate his religious belief so long as such activities do not breach any other laws relating to public order, public health, or morality.

There is no state religion. However, all religious groups are subject to government scrutiny and must be registered legally under the Societies Act. The 1990 Maintenance of Religious Harmony Act (MRHA), which was prompted by actions that the Government perceived as threats to religious harmony, including aggressive and "insensitive" proselytizing and the "mixing of religion and politics," made illegal what the Government deems to be the inappropriate involvement of religious groups and officials in political affairs. It gave the Government the power to restrict officials and members of religious groups and institutions from carrying out political activities, criticizing the Government, creating "ill-will" between religious groups or carrying out subversive activities. The act also prohibits judicial review of its enforcement or of any possible denial of rights arising from it.

The Government plays an active, but limited, role in religious affairs. It does not tolerate speech or actions, including ostensibly religious speech or actions, that affect racial and religious harmony, and sometimes issues restraining orders barring persons from taking part in such activities. The Presidential Council for Religious Harmony must review such orders, and make recommendations to the President on whether to confirm, cancel, or alter a restraining order. The Presidential Council also examines all pending legislation to ensure that it is not disadvantageous to a particular group, reports to the Government on matters that affect any racial or religious community, and investigates complaints. The Government also attempts to ensure that citizens have ready access to religious organizations that are associated traditionally with their ethnic groups by assisting religious institutions to find space in publicly subsidized housing, in which the great majority of citizens live. The Government maintains a semiofficial relationship with the Muslim community through the Islamic Religious Council (MUIS), which was established under the Administration of Muslim Law Act. The MUIS advises the Government on the Muslim community's concerns and has some regulatory authority over Muslim religious matters. The Government facilitates financial assistance to build and maintain mosI Tf5 T0igious qLTjT\*ssibly re275 TD0Y2v butS in

prejudicial to public welfare and order. While the Government has not outlawed the profession or propagation of the beliefs of Jehovah's Witnesses and does not arrest members merely for being believers, the result of deregistration has been to make meetings of Jehovah's Witnesses illegal. The Government also has banned all written materials published by the Jehovah's Witnesses' publishing affiliates, the International Bible Students Association and the Watch Tower Bible and Tract Society. In practice this has led to the confiscation of Bibles published by the group, even though publishing Bibles has not been outlawed.

The Holy Spirit Association for the Unification of World Christianity, also known as the Unification Church, was dissolved in 1982 by the Minister for Home Affairs. Missionaries, with the exception of members of Jehovah's Witnesses and representatives of the Unification Church, are permitted to work and to publish and distribute religious texts. However, while the Government does not prohibit evangelical activities in practice, it discourages activities that might upset the balance of intercommunal relations.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution grants citizens the right to move freely throughout the country; however, while the Government generally respects this right in practice, it limits it in a few respects. For example, citizens' choice of where to live may be limited by the Government's policy of assuring ethnic balance in publicly subsidized housing, in which the great majority of citizens live (see Section 1.f.). The Government requires all citizens and permanent residents over the age of 15 to register and to carry identification cards. The Government may refuse to issue a passport and has done so in the case of former ISA detainees. Under the ISA, a detainee's movement may be restricted, although this provision normally is a part of the process of relaxing the conditions of detention and has been used very seldom in recent years.

The right of voluntary repatriation is extended to holders of national passports. The Government actively encourages citizens living overseas to return home or at least to maintain active ties with the country. A provision of law for the possible loss of citizenship by Singaporeans who reside outside the country for more than 10 years consecutively seldom is used.

Male citizens who still have national service reserve obligations (normally until age 40 for enlisted men and age 50 for officers) must advise the Ministry of Defense if they plan to travel abroad for less than 6 months, and must receive an exit permit for trips over 6 months. Beginning at age 11, boys' passports are valid for up to 6 months' duration. Males who are eligible for national service must obtain an exit permit for travel abroad of more than 6 months, with the exception of travel to peninsular Malaysia on a restricted passport.

The law stipulates that former members of the Communist Party of Malaya (CPM) residing outside the country must apply to the Government to be allowed to return. They must renounce communism, sever all organizational ties with the CPM, and pledge not to engage in activities prejudicial to the State's internal security. In addition the law requires them to submit to interview by the Internal Security Department and to any restrictive conditions imposed on them.

The law does not include provision for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not grant first asylum. However, the authorities usually permit persons who make claims for asylum to have their status determined by the U.N. High Commissioner for Refugees (UNHCR) for possible resettlement elsewhere. There were no reports that persons were returned forcibly to a country where they feared persecution. A 1998 government statement that migrants from countries in the region experiencing economic crisis would not be accorded refugee status is not known to have resulted in the return of any persons having a well-founded fear of persecution. A small number of ethnic Chinese persons from Indonesia often enter the country as visitors for temporary stays during episodes of racial or religious strife in that country.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully through democratic means. Opposition parties are free to contest elections, and the voting and vote-counting systems are fair, accurate, and free from tampering; however, the PAP, which has held power continuously and overwhelmingly for over 3 decades, uses the Government's extensive powers to place formidable obstacles in the path of political opponents. The PAP has maintained its political dominance in part by developing genuine voter support through honest, effective administration and its strong record in bringing economic prosperity to the country,

and in part by manipulating the electoral framework, intimidating organized political opposition, and circumscribing the bounds of legitimate political discourse and action. It attempts to intimidate the members of the opposition through the threat of libel suits and the subsequent loss of their political future, since large judgments in libel suits can lead to bankruptcy, and under the law bankrupt persons are ineligible to sit in Parliament. The belief that the Government may directly or indirectly harm the employment prospects of opposition supporters curtails opposition political activity; however, there were few allegations of such retaliation. As a result of these and other factors, opposition parties have been unable to challenge seriously the PAP's domination of the political system since the late 1960's. The PAP claims that the lack of an effective opposition is due to disorganization, lack of leadership, and lack of persuasive alternative policies.

Singapore has a parliamentary system in which the majority party in Parliament has the authority to constitute the Government, which is headed by a Prime Minister. Parliamentary elections may be called at any time but must be held no later than 5 years from the date a new parliament first sits. The PAP holds 80 of 83 elected seats; the opposition Singapore People's Party and the Workers' Party each held 1 seat. One seat, won by the PAP in the 1997 election, is vacant. The Workers' Party (WP) holds one "nonconstituency" seat based on a constitutional amendment that assures at least three opposition members in Parliament even if fewer than three actually are elected. In addition, the Government nominates and the President appoints "prominent citizens" to serve as nominated members of parliament (N.M.P.'s) for 2-year terms. Nine N.M.P.'s currently sit in Parliament. Nonconstituency members' and N.M.P.'s voting rights are restricted.

The country's economic success and generally honest, effective government under the PAP has helped the PAP maintain voter support. The party has an extensive grassroots system and a carefully selected, highly disciplined membership, including M.P.'s who maintain close contact with their constituents, which is responsive to constituent needs and delivers effective government services. The recent development of government-organized and predominantly publicly-funded CDC's to promote community development and cohesion and to provide welfare and other assistance services, strengthens the PAP, which dominates these CDC's even in opposition-held constituencies. However, the PAP, which virtually is synonymous with the Government, has used the threat to withdraw benefits as a means of assuring popular support. For example, during the 1997 election campaign, the Prime Minister and other senior government officials pointedly warned voters that precincts that elected opposition candidates would have the lowest priority in government plans to upgrade public housing facilities. This threat heightened concerns among some observers about voters' genuine freedom to change their government.

The PAP also maintains its complete control of the political process by other means, including patronage; strong political influence over the press and the courts; and restrictions on opposition political activities. Often these means are fully in keeping with the law and the normal prerogatives of government, but the overall effect (and, many argue, ultimate purpose) is to disadvantage and weaken the political opposition. The Government altered the boundaries of election districts in 1996, 3 months before the 1997 elections. Since 1988 it has changed 74 of 83 single-seat constituencies into group representational constituencies (GRC's) of three, four, five, or six parliamentary seats, where the party with a plurality wins all the seats. According to the Constitution, such changes are permitted to ensure ethnic minority representation in Parliament, since each GRC candidate list must contain at least one Malay, Indian, or other ethnic minority candidate. However, these changes made it more difficult for opposition parties, all of which have very limited memberships, to fill multimember candidate lists, especially when one member must be an ethnic minority. The PAP does not suffer from this disadvantage.

Although political parties legally are free to organize, they operate under the same limitations that apply to all organizations, and the authorities impose strict regulations on their constitutions, fundraising, and accountability. Government regulations hinder attempts by opposition parties to rent office space in government housing or to establish community foundations. In addition government influence extends in varying degrees to academic, community service, and other NGO's.

A 1998 amendment to the Films Act that banned political films and recorded televised programs put opposition parties at a disadvantage. The ban, ostensibly to prevent the sensationalist or emotional effect that video or film productions could have on political issues, applied to the PAP as well as opposition parties. Nonetheless, it had the effect of denying opposition parties, which already receive far less coverage than does the PAP in the government-influenced press and media, a potential outlet for their political messages (see Section 2.a.).

The threat of civil libel or slander suits, which government leaders have used consistently against political opponents and critics, continued to have a stifling effect on the full expression of political opinion and to disadvantage the formal political opposition (see Section 2.a.). Large judgments in libel suits can lead to bankruptcy, and under the law bankrupt persons are ineligible to sit in Parliament. The Penal Code also provides for criminal defamation offenses; however, there were no reports that it was used for political purposes during the year.

Following the 1997 elections, a group of senior PAP leaders sued defeated WP candidate Tang Liang Hong for defamation based on Tang's claims during and after the election. Tang fled the country citing death threats and remains abroad. The WP Secretary General and M.P. J.B. Jeyaretnam and another WP official remained at risk of bankruptcy due to ongoing efforts to collect on damages awarded in previous years (see Section 2.a.).

The Government also sometimes uses parliamentary censure or the threat of censure to humiliate or intimidate opposition leaders.

Government entities also have used libel or slander suits, and dismissal from positions in government-related entities, to intimidate prominent opposition politicians.

The Government also has placed significant obstacles in the way of opposition political figures' candidacy for the presidency, a largely ceremonial position that nonetheless has significant budget oversight powers, as well as some powers over civil service appointments and internal security affairs. For example, opposition members are much less likely to be able to satisfy the requirement that they have experience in managing the financial affairs of a large institution, since many of the country's large institutions are government-run or linked to the government. In the 1999 presidential election, only the Government's candidate was ruled in compliance with all the legal requirements; therefore in accordance with the law, actual voting was canceled, and S.R. Nathan was declared the duly elected President. Opposition political figures have claimed that such strict compliance requirements weaken opposition parties.

There is no legal bar to the participation of women in political life; however, women are underrepresented in government and politics. Women hold 4 of the 83 elected parliamentary seats and 2 of the 9 N.M.P. seats. There are no female ministers.

There is no restriction in law or practice against minorities voting or participating in politics; they actively participate in the political process and are well represented throughout the Government, except in some sensitive military positions. Malays make up about 15 percent of the general population and hold about the same percentage of regularly elected seats in Parliament. Indians make up about 7 percent of the general population and hold about 10 percent of the regularly elected seats in Parliament. Minority representation in Parliament is, in part, the result of a legal requirement that candidate slates in every multi-seat constituency must have at least one minority representative.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no NGO's that actively and openly monitor alleged human rights violations. This situation is consistent with the general lack of NGO's and the Government's dominance of society. While the Government does not formally prohibit them, efforts by independent organizations to investigate and evaluate government human rights policies would face the same obstacles as those faced by opposition political parties.

In the past, the Government denied that international organizations had any competence to look into human rights matters in the country and, for years, barred Amnesty International (AI) from visiting the country. However, in 1997 and 1999, the Government permitted both AI and the International Commission of Jurists (ICJ) to observe legal proceedings against two opposition politicians. The ICJ's and AI's criticisms of these cases were reported fully in the local press, and the Government responded vigorously in the press, alleging bias and citing alleged factual errors.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution states that all persons are equal before the law and entitled to the equal protection of the law, and the Government carries out these provisions in practice. The Constitution contains no explicit provision providing equal rights for women and minorities. Mindful of the country's history of intercommunal tension, the Government takes affirmative measures to ensure racial, ethnic, religious, and cultural nondiscrimination. Social, economic, and cultural benefits and facilities are available to all citizens regardless of race, religion, or sex.

*Women.*—There is no evidence of any widespread practice of violence or abuse against women. The Penal Code and the Women's Charter protect women against domestic violence and sexual or physical harassment. A battered wife can obtain court orders barring the spouse from the home until the court is satisfied that he has ceased his aggressive behavior. Court orders for protection against violent family members have increased in recent years, partially because of a 1997 amendment to the Women's Charter Act that broadened the definition of violence to include intimidation, continual harassment, or restraint against one's will. The Penal Code prescribes mandatory caning and a minimum imprisonment of 2 years for conviction on a charge of "outraging modesty" that causes the victim fear of death or injury. The press gives fairly prominent coverage to instances of abuse or violence against women. There are several organizations that provide assistance to abused women. The Association of Women for Action and Research (AWARE) has a hotline that offers counseling and legal advice. The Family Protection Unit documents physical and psychological abuse, and provides counseling and legal services to abused women. In July 1999, the Council of Women's Organizations established a crisis center for abused persons. The Star shelter accepts children, women, and men, and can accommodate up to 30 persons.

Trafficking in women for the purpose of prostitution is a limited problem (see Section 6.f.).

Women enjoy the same legal rights as men in most areas, including civil liberties, employment, commercial activity, and education. The Women's Charter, enacted in 1961, gives women, among other rights, the right to own property, conduct trade, and receive divorce settlements. Muslim women enjoy most of the rights and protections of the Women's Charter. For the most part, Muslim marriage law falls under the administration of the Muslim Law Act, which empowers the Shari'a court to oversee such matters. Those laws allow Muslim men to practice polygyny. Both men and women have the right to unilateral divorce; however, women face significant difficulties in initiating unilateral divorce proceedings, which often prevents them from pursuing proceedings.

Women constitute 42 percent of the labor force and are well represented in many professions but hold few leadership positions in the private sector. They still hold the preponderance of low-wage jobs such as clerks and secretaries. The average salary of women is only 75 percent of that of men (compared with 68 percent 10 years ago). Observers note that the wage differential is smaller in professional jobs, and attribute much of the overall wage disparity to average lower educational qualifications by women, and to fewer years of job experience by women due to family commitments, rather than discrimination.

Some areas of discrimination remain. Children born overseas to female citizens are not granted citizenship automatically, while those of male citizens are. Female civil service employees who are married do not receive health benefits for their spouses and dependents as do male government employees. However, for the first time, beginning on January 2, female citizens were able to sponsor their noncitizen husbands for citizenship.

*Children.*—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. Access to public education and medical care is equal for all children in society. In October the Government enacted legislation that would make 6 years of education in public schools compulsory by 2003. Although school attendance has not been compulsory, virtually 100 percent of children are enrolled through grade 6 and the dropout rate for secondary school is low. The Children and Young Persons Act establishes protective services for orphaned, abused, disabled, or refractory children, and creates a juvenile court system. The Ministry of Community Development works closely with the National Council for Social Services to oversee children's welfare cases. Voluntary organizations operate most of the homes for children, while the Government funds up to 50 percent of all child costs, which include normal living expenses and overhead, as well as expenses for special schooling, health care, or supervisory needs.

There is no societal pattern of abuse of children.

*People with Disabilities.*—The Government implemented a comprehensive code on barrier-free accessibility in 1990, which established standards for facilities for the physically disabled in all new buildings and mandated the progressive upgrading of older structures. Although there is no legislation that addresses the issue of equal opportunities for the disabled in education or employment, the National Council of Social Services, in conjunction with various voluntary associations, provides an extensive job training and placement program for the disabled. Informal provisions in education have permitted university matriculation for visually impaired, deaf, and physically disabled students. The Government allows a \$2,400 (S\$4,000) tax deduc-

tion for families with a disabled person. Press coverage of the activities and achievements of the disabled is extensive.

*National/Racial/Ethnic Minorities.*—Ethnic Malays constitute approximately 15 percent of the total population. The Constitution acknowledges them as “the indigenous people of Singapore” and charges the Government to support and promote their political, educational, religious, economic, social, cultural, and language interests. Ethnic Malays have not reached the educational or socioeconomic levels achieved by the ethnic Chinese majority, the ethnic Indian minority, or the Eurasian community. Malays remain underrepresented at the uppermost rungs of the corporate ladder, and, some have claimed, in certain sectors of government and the military, a reflection of their historically lower education and economic position, but also a result of employment discrimination. During 1999 there was great debate over the fact that advertisements often specify ethnicity and gender requirements or require fluent Mandarin speakers. The Government responded by issuing “guidelines” that called for eliminating language referring to age, gender, or ethnicity; restrictive language that referred to attributes relevant to a job, such as “Chinese speaker” or “physically strong” remains acceptable. These guidelines generally are obeyed.

In November the Government reacted negatively to a draft proposal by a leading Malay/Muslim group that sought “collective leadership” in that community. The group proposed broadened community participation in issues that affected Muslims. Government leaders stated that the proposal risked ethnic polarization and warned against attempting to implement it.

A January 1999 revision in the Chinese language curriculum in the country’s schools, which expanded opportunities for higher Chinese language ignited a long-standing debate over the perceived objective of creating a “Chinese elite.” The Government has taken steps to encourage greater educational achievement among Malay students as a key to economic advancement. The Government revised proposed compulsory legislation to address concerns of Malays that Islamic religious schools (madrasahs) would be adversely affected. The Government proposed to exempt madrasah students from compulsory attendance in national schools provided that the students meet minimum standards in core secular subjects such as science, mathematics and English.

The Presidential Council on Minority Rights examines all pending bills to ensure that they are not disadvantageous to a particular group. It also reports to the Government on matters affecting any racial or religious community and investigates complaints.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides all citizens with the right to form associations, including trade unions; however, Parliament may impose restrictions based on security, public order, or morality grounds. The right of association is delimited by the Societies Act and by labor and education laws and regulations. Under these laws, any group consisting of 10 or more persons is required to register with the Government. The Trade Unions Act authorizes the formation of unions with broad rights, albeit with some narrow restrictions, such as prohibitions on the unionization of uniformed employees. According to government statistics, the national labor force comprises about 2 million workers, approximately 290,000 of whom are represented by 76 unions. Due primarily to mergers, the number of unions dropped slightly from 1999; however, the number of union members rose. Of the 76 unions, 67 (which represent virtually all of the union members), are affiliated with the National Trades Union Congress (NTUC), an umbrella organization that has a close relationship with the Government.

The NTUC unabashedly acknowledges that its interests are closely linked with those of the ruling PAP, a relationship often described by both as “symbiotic.” For example, the NTUC secretary general (SG), Lim Boon Heng, a PAP M.P., is Minister without Portfolio and was formerly Second Minister for Trade and Industry. His predecessor, Ong Teng Cheong, the country’s first elected President (1993-99) was simultaneously NTUC SG and Deputy Prime Minister. It is common for young PAP M.P.’s to be given leadership positions in the NTUC or a member union. NTUC policy prohibits union members who actively support opposition parties from holding office in affiliated unions. While the NTUC is financially independent of the PAP, with income generated by NTUC-owned businesses, the NTUC and the PAP share the same ideology and work closely with management in support of nonconfrontational labor relations.

Workers, other than those in essential services, have the legal right to strike but rarely do so. No strikes have occurred since 1986. Most disagreements are resolved through informal consultations with the Ministry of Manpower. If conciliation fails,



the disputing parties usually submit their case to the Industrial Arbitration Court, which has representatives from labor, management, and the Government. Besides these labor dispute mechanisms and the close working relationship and shared views among labor, management, and the Government, the maintenance of labor peace has been a product of high economic growth rates, regular wage increases, and a high degree of job mobility in a virtual full-employment economy. In addition the widely held view that labor conflict would undermine the country's economic competitiveness and attractiveness to investors, and a cultural aversion to confrontation help to maintain a harmonious labor situation.

The NTUC is free to associate regionally and internationally.

*b. The Right to Organize and Bargain Collectively.*—Collective bargaining is a normal part of labor-management relations in the industrial sector. Agreements between management and labor are renewed every 2 to 3 years, although wage increases are negotiated annually. Yearly guidelines on raises and bonus pay issued by the National Wages Council (NWC), a group composed of labor, management, and government representatives, serve as the starting point for bargaining agreements. In 1999, in response to the economic downturn, the Government adopted an NWC proposal in which, subject to negotiation in each enterprise, up to ten percent of salaries would be considered "variable," allowing companies to eliminate that portion of pay if financial problems necessitated it.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Government prohibits forced or compulsory labor, including forced and bonded labor by children, and generally enforces this provision effectively. Under sections of the Destitute Persons Act, any indigent person may be required to reside in a welfare home and engage in suitable work. The International Labor Organization (ILO) has criticized the coercive terms of this act, which includes penal sanctions, as not in compliance with the ILO Convention on Forced Labor. The Government maintains that the act is social legislation that provides for the shelter, care, and protection of destitute persons, and that work programs are designed to reintegrate individuals into society.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Government enforces the Employment Act, which prohibits the employment of children under the age of 12. Although schooling is not compulsory, virtually 100 percent of school age children attend school (see Section 5). Restrictions on the employment of children between the ages of 12 and 17 are rigorous and enforced fully. Children under the age of 15 are prohibited from employment in any industrial undertakings. Exceptions include family enterprises; children may work in an industrial undertaking in which only members of the same family are employed. A child who is 12 years old or above may be engaged in "light work suited to his capacity." A medical officer must certify suitability for such light work. Employers must notify the Commission of such work. Two programs are in operation to help children in the home.

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on their employers for food and lodging, and the fact that they often live and work relatively isolated from the rest of society make them vulnerable to mistreatment and abuse. In 1998 Parliament passed an amendment to the Penal Code, in response to a reported increase in cases of maid abuse, which raised the punishment for confining or sexually or physically abusing a maid. The authorities have fined or imprisoned employers who have abused domestics, often with great publicity. Authorities described a sharp fall in substantiated cases of abuse of foreign domestics, from 157 cases in 1997 to 82 cases in 1999, as evidence that the 1998 legal change and vigorous prosecutions had reduced the problem.

Most maids work 6 days per week from very early morning until late in the evening. Many contracts allow only 1 day off per month. Contracts often stipulate that, even when she is ostensibly not working, a maid must remain on the premises except for official duties or on her day off. According to Ministry of Manpower Statistics, wages average around \$250 per month (not including free room and board). Maids must often put aside most or all of their wages for the first several months of employment to reimburse their placement agents. Work permits for low-wage workers stipulate the cancellation of such permits if workers apply to marry or marry a citizen or permanent resident.

Although many lower paid foreign workers not covered under the Employment Act are ineligible for the limited free legal assistance that is available to citizens, the Ministry of Manpower also offers mediation services for all employees, foreign or local. The Government allows complainants to seek legal redress.

The Ministry of Manpower effectively enforces laws and regulations establishing working conditions and comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, have been implemented to reduce the frequency of job-related accidents. While a worker has the right under the Employment Act to remove himself from a dangerous work situation, his right to continued employment depends upon an investigation of the circumstances by the Ministry of Manpower.

*f. Trafficking in Persons.*—The three major laws that govern trafficking and prostitution are the Women's Charter, the Children and Young Person's Act, and the Penal Code. The laws make trafficking in women and children—whether or not it is related to prostitution—punishable by up to 5 years' imprisonment, a \$5,800 (SD10,000) fine, and caning. The Penal Code covers trafficking and wrongful constraint of men.

There is evidence that the country is a destination for trafficking in women for the purpose of prostitution, primarily from Thailand and Malaysia. Police reportedly conduct raids about once a month in an effort to maintain some control over the situation.

One local NGO offers sex workers counseling services; it is not empowered to provide protection.

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## SOLOMON ISLANDS

Solomon Islands, with a population of approximately 450,000, is an archipelago stretching over 840 miles in the South Pacific. The Government is a modified parliamentary system consisting of a single-chamber legislative assembly of 50 members. Executive authority is vested in the Prime Minister and his Cabinet. The Prime Minister, elected by a majority vote of Parliament, selects his own Cabinet. Parliament was elected most recently in free and fair elections in August 1997. However, in 1998 tensions between two of the main ethnic groups in the country—the Malaitans and the Guadalcanalese—resulted in violence. Throughout 1999 Guadalcanalese militants forced thousands of Malaitans residing on Guadalcanal from their homes. Beginning in January, Malaitan militants stole large quantities of weapons from the police and actively began to combat the Guadalcanalese. The conflict continued to escalate, and on June 5, armed Malaitan militants, reportedly assisted by paramilitary police officers acting without authorization, took over Honiara, the capital. Following their takeover of the capital, the Malaitan militants forced the then-Prime Minister, Bartholomew Ulufa'alu, to resign, and Parliament chose a new Prime Minister, Manasseh Sogavare, under duress. A new government, known as the Coalition for National Unity, Reconciliation, and Peace, was formed. The Government has sought to restore peace, but its success has been limited due to its weakness—both political and institutional—and the perception that its leaders are beholden to one of the conflicting parties. The judiciary is independent.

A police force of approximately 900 persons under civilian control is responsible for law enforcement, internal security, and border security. Over the past year, the

police force began to disintegrate and since the June takeover of Honiara by Malaitan militants, it has not functioned as an effective institution.

About 75 percent of the population engage to some extent in subsistence farming and fishing and have little involvement in the cash economy. With the breakdown of law and order, the formal sector of the economy is on the brink of collapse. Commercial activities, which included some plantation production of copra, cocoa, and palm oil, one fish cannery, a gold mine on Guadalcanal, and small resort and diving enterprises, have ceased to operate; only the logging industry continued to operate. An estimated 20,000 to 30,000 persons have fled their homes. Electricity and telecommunications services face severe difficulties, but continued to function.

Basic individual rights are provided for in the Constitution, and until the eruption of armed conflict between Guadalcanalese and Malaitan militants, generally were respected by authorities, and were defended by an independent judiciary; however, the armed conflict between Malaitan and Guadalcanalese militants led to a serious deterioration of the human rights situation. Many current and former police officers, mostly believed to be from two national police units dominated by Malaitans, sided with armed Malaitan political groups, and police and militants from both sides committed numerous human rights abuses, including killings, abductions, torture, rape, forced displacement, looting, and the burning of homes. Militants prevented Red Cross officials and volunteers from taking food and medical supplies to rural clinics, leaving 60,000 persons in rural areas without access to medical care, nutritional supplements, and fuel. During the year, the successive governments failed to encourage any judicial or independent investigation of human rights abuses that had occurred during the violence, contributing to a climate of impunity. On October 15, representatives of the central Government, provincial governments, and the opposing armed militant groups signed a peace agreement, which, among other things, includes a general amnesty for members of the police who committed criminal acts in the course of the armed conflict after June 5. In accordance with the agreement, a team of international observers has been in the country since November to verify the relinquishing of weapons and to monitor implementation of the peace. At year's end, hundreds of weapons had not been relinquished, and a stable peace had not been secured.

Violence and discrimination against women continued to be problems.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Since June 5, the police forces effectively have been disarmed and the service no longer functions on the islands of Malaita and Guadalcanal. Amnesty International (AI) reports that according to the previous government, 75 percent of the country's 897 police officers were Malaitan. Many Malaitan police officers participated in abuses committed by Malaitan militants. In 1998 and 1999, when the police were battling the Guadalcanalese militants, police officers were involved in extrajudicial killing and unwarranted use of lethal force against civilians. In September 1999, AI reported that several paramilitary police officers in a speedboat shot and injured a man near shore; they followed him onto the shore, dragged him back into the water, and reportedly beat him to death with a paddle. There also have been reports that police in some areas of Guadalcanal have declined to stop or investigate abuses by Guadalcanalese militants, have cooperated with them, or have fled from attacks by Guadalcanalese militants, in order to protect their own security. AI reported that displaced persons state that they fled their homes because they feared police operations as much as the activities of the Guadalcanalese armed groups.

Both the Ulufa'alu and Sogavare Governments were unable to stop the violence, and did little to investigate or prosecute those responsible for killings and other abuses, contributing to an atmosphere of impunity. According to AI there is an apparent lack of accountability for police officers involved in killings, and only one police officer has been charged and convicted in connection with events during the conflict.

There is no reliable estimate of the total number of civilians killed, missing or presumed dead as a result of attacks attributed to Malaitan and Guadalcanalese militants, although AI reported that at least 25 persons, including several civilians, were killed between early June and early July. In April unidentified gunmen entered a village south of Honiara's international airport and shot three persons, including a 7-year-old boy and a 20-year-old man, as they tried to flee. On April 21, a Guadalcanalese man reportedly was abducted by Malaitan militants in Honiara and taken to a nearby Malaitan militant camp, where he was beaten and hung by the ankles and wrists with wire. His body was reportedly found later in a Malaitan

suburb of Honiara (see Section 1.c.). On May 5, the decapitated body of Davidson Mare was found in a marketplace in Honiara; Mare, a Guadalcanalese, is believed to have been killed by Malaitan militants. Four days later, the partial remains of a Malaitan man believed killed in retaliation for Mare's murder were found at a roadblock run by Guadalcanalese militants near Honiara. In late June, two Malaitan men were captured by Guadalcanalese militants outside Honiara. Subsequently, the men, who showed signs of beatings, were paraded through the captors' villages, killed, and buried. On July 10, Malaitan militants forced their way into Honiara's central hospital and murdered two Guadalcanalese militants who were being treated for wounds sustained in combat the previous day. On July 13, gunmen dressed in Malaitan militant or paramilitary police uniforms reportedly attacked a medical clinic in Visale, killing an elderly man and a teenage boy. Other victims died as a result of torture (see Section 1.c.).

*b. Disappearance.*—There were no reports of politically motivated disappearances due to the actions of government officials. However, many Malaitan police officers have joined the Malaitan militants and have participated in their activities. Since the violence began in 1998, more than 50 persons have been abducted and possibly killed by militants. In early July, AI reports that Catholic catechist Juan Bosco disappeared in Honiara after allegedly being abducted by Malaitan militants and taken to a Malaitan camp. Several persons reported seeing him brutally beaten. On July 4, Walter Tavai, a Guadalcanalese villager, reportedly was abducted from his home near Honiara by Malaitan militants and taken to a Malaitan militant camp. Witnesses state that he was beaten to death by militants at the camp; his body has not been found. In January the Government formed a Committee on Missing Persons. However, its work was hampered by the reluctance of witnesses to come forward and by the ongoing conflict. The Committee's final report and recommendations to the Government, submitted in April, were not made public.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—These practices are prohibited by law; however, there were numerous reports that police tortured and mistreated persons. Until June complaints of excessive use of force by police when making arrests, as well as other complaints about police behavior, were handled by an internal police department investigations office or by the courts. In 1998 the police opened a public complaints office in the capital. These offices ceased to function after June 5, as part of the general disintegration of the national police force.

Throughout the year, there were numerous reports of acts of torture and mistreatment attributed to both Malaitan and Guadalcanalese militants, and to members of the police. Honiara residents told AI that it was common knowledge that abducted Malaitans had been taken to a camp widely known as a "panel beating shop" where they were beaten by Guadalcanalese militants. Malaitan encampments near Honiara, as well as in the former Guadalcanal provincial government headquarters, also reportedly are used for the torture of captured Guadalcanalese and the punishment of Malaitans. On April 21, a Guadalcanalese man reportedly was abducted by Malaitan militants in Honiara and taken to a nearby Malaitan militant camp, where he was beaten and hung by the ankles and wrists with wire. His body was later reportedly found in an Malaitan suburb of Honiara (see Section 1.a.). In June two Malaitan security guards reportedly were abducted by Guadalcanalese militants, beaten, paraded through Guadalcanalese villages, and killed near Honiara (see Section 1.a.).

Many homes have been looted and burned by both Guadalcanalese and Malaitan militants during the conflict; at times police reportedly have assisted militants. Twenty homes were burned in Independence Valley, Honiara in late July, according to press reports. This followed the burning of homes in Matanikau and Tasahe areas of Honiara.

Conditions in the only prison still in use during the year generally met minimum international standards, although for several months it was overcrowded. Following the outbreak of militant attacks, the rural prison in Guadalcanal was closed, and the prisoners were moved to the prison in Honiara for their safety. However, due to the influx of prisoners from the minimum-security prison and additional arrests due to the strife, the prison population exceeded the capacity of the prison. Several cells built for four persons held six, and a number of prisoners slept dormitory style on the floor of the covered inner courtyard of one of the prison buildings. The female wing of the prison was used for male prisoners, and the sole female prisoner was housed in the warden's conference room, next to the jail reception area. Malaitan militants closed the prison in Honiara on June 18 following the escape of approximately 20 Guadalcanalese inmates and the subsequent release of all remaining prisoners by the Malaitans. Police made no move to recapture the inmates, some of whom reportedly joined the militants. A new prison complex, slated for completion

in 1997, was to have provided separate facilities for short-, medium-, and long-term prisoners, as well as for juvenile offenders. It remained uncompleted at year's end due to a lack of funds. Prior to June, a government-appointed Committee on the Prerogative of Mercy, composed of church and social leaders, recommended pardons for rehabilitated prisoners. At year's end, the prison was reopened.

Prior to the closure of the prisons, the Government permitted prison visits by human rights monitors. An International Committee of the Red Cross (ICRC) team in Honiara monitored the prisons regularly, and in 1999 Amnesty International visited the prison as well. However, between June 15 and June 18, Malaitan militants refused to allow ICRC monitors into the prison in Honiara. Some prisoners later showed signs of beatings.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions in practice. However, the large number of cases before the courts has resulted in long delays before cases go to trial. This has meant that some prisoners have endured long periods of pretrial detention.

Militants from both sides arbitrarily detained persons; it is not known how many persons were arbitrarily detained during the year.

Exile is not practiced.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary and it is independent in practice, but the courts are hampered by a lack of resources and threats against the lives of judges and prosecutors.

The judicial system consists of a High Court and magistrates' courts. Accused persons are entitled to counsel. However, in 1999, the public solicitor, who is charged with providing counsel to persons who cannot afford a private attorney, reported that due to limited resources, his office could accept only those cases in which persons faced serious charges or those involving the protection of children. The law provides for a judicial determination of the legality of arrests. Officials found to have violated civil liberties are subject to fines and jail sentences.

There were no reports of political prisoners.

Both the Ulufa'alu and Sogavare Governments have been unable to stop the violence, and have done little to investigate or prosecute those responsible for killings and other abuses, contributing to an atmosphere of impunity. According to AI there is an apparent lack of accountability for police officers involved in killings, and only one police officer has been charged and convicted in connection with events during the conflict.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—These rights are protected by law, and the Government generally respected these rights in practice. However, with the breakdown of law and order, there was widespread looting and burning of homes in rural Guadalcanal, including by police (see Section 1.c.).

Militants from all sides motivated by resentment, retaliation, and criminal opportunism forced long-time inhabitants from their homes. Many of those forced out were not affiliated with the respective militant movements or even members of the combating ethnic groups.

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Since the ethnic conflict began in 1998, both Guadalcanalese and Malaitan militants have used excessive force and committed numerous abuses against civilians, at times aided by or permitted to function by the police. Since June Malaitan militants have blocked the free and safe passage of relief supplies, food, and fuel, as well as access by humanitarian organizations to Guadalcanal. Red Cross volunteers and relief workers have reported being threatened, harassed, even shot at by both Guadalcanalese and Malaitan militants.

In June Malaitan militants in a police patrol boat used a heavy machine gun to support an attack on Guadalcanalese positions near Alligator Creek, killing perhaps six Guadalcanalese militants. Following this action, the militants used the weapon to fire indiscriminately on civilian targets near Teneru, far from the actual scene of the fighting. In July as many as 20 persons in paramilitary police uniforms attacked a rural medical clinic on Guadalcanal, killing an old man and a teenage boy, both noncombatants. Since the violent phase of the conflict on Guadalcanal began in 1998, some 30,000 Malaitans, Guadalcanalese, and Western Province persons living on Guadalcanal have been displaced from their homes (see Section 2.d.).

AI reports that Guadalcanalese militants included a number of child soldiers (see Sections 5, and 6.d.).

In 1999 there were reports that police killed noncombatants while shooting indiscriminately at villages.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Government generally respects the constitutional provisions for freedom of speech and of the press. In September the Government ordered the national airline and the press not to report the kidnapping of a pilot, on the grounds that it might incite further violence or ethnic hatred. During the year, print and broadcast media continued to operate on a regular basis.

The media comprise the Solomon Islands Broadcasting Corporation (SIBC), a statutory body that comes directly under the Prime Minister's office and whose radio broadcasts are heard throughout the country; a privately owned FM radio station; and three privately owned weekly or semiweekly newspapers. Given the high rate of illiteracy, the SIBC is more influential than the print media. The Department of Information in the Prime Minister's office publishes a monthly newspaper, which is strongly progovernment. At least two nongovernmental organizations (NGO's) publish periodic news journals; their environmental reporting frequently is critical of the Government's logging policy and foreign logging companies' practices. A private company transmits one Australian television channel to the country. The system incorporates occasional government press conferences in its program.

During the year, militants threatened the print and broadcast media with increasing frequency; however, no journalists are known to have been killed or injured.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of assembly and the Government respects this right in practice. Demonstrators must obtain permits.

The Constitution provides for the right of association, and, in the past, this right was respected; however, in February the Government formally outlawed the Malaitan militant groups; Guadalcanalese militant groups were outlawed in 1999. This ban was suspended in May.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government respects this provision in practice.

In general the Government does not subsidize religion. Several schools and health services in the country were built by and continue to be operated by religious organizations. There are schools sponsored by Roman Catholics, the Church of Melanesia, the United Church (Methodist), the South Sea Evangelical Church, and Seventh-Day Adventists. Upon independence the Government recognized that it had neither the funds nor the personnel to take over these institutions and agreed to subsidize partially their operations. The Government also pays the salaries of most teachers and health staff in the national education system.

All religious institutions are required to register with the Government; however, there is no evidence that registration has been denied to any group.

The public school curriculum includes 30 minutes daily of religious instruction, the content of which is agreed upon by the Christian churches; students whose parents do not wish them to attend the class are excused. However, the Government does not subsidize church schools that do not align their curriculums with governmental criteria. There is mutual understanding between the Government and the churches but no formal memorandum of understanding. Although theoretically non-Christian religions can be taught in the schools, there is no such instruction at present.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government places no restrictions on the movement of citizens within or out of the country. However, the militants have demanded that the people indigenous to each island be given authority to determine who may or may not enter their island. Native-born citizens may not be deprived of citizenship on any grounds.

Since the violent phase of the conflict on Guadalcanal began in 1998, an estimated 30,000 Malaitans, Guadalcanalese, and Western Province persons living on Guadalcanal have been displaced from their homes as a result of armed conflict and intimidation; 3,000 or more have been displaced since June. The U.N. estimated that in 1999 some 15,000 to 20,000 Malaitans (one fifth of the population of Guadalcanal) were displaced, the majority of whom evacuated to Malaita, while as many as 12,000 Guadalcanalese fled their homes for other parts of that island. The Government provided very limited help to internally displaced persons, who generally relied on their extended families and subsistence farming for survival. The national Red Cross Society, funded by the European Union, provided some assistance.

Police on Malaita reportedly are unable to offer protection to displaced Malaitans on the island since Malaitan militants raided a police armory in January and set up headquarters on the island. Malaitan militants reportedly have forced displaced Malaitan families to "contribute" money or food to support the militants. Telephone communication with Malaita has been cut off since Guadalcanalese militants destroyed a transmitter on May 18.

Displaced persons on Guadalcanal also lack effective police protection, since most local police were evacuated as a result of Guadalcanalese militant raids in 1999.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted domestic legislation or procedures for making formal refugee determinations. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and the Red Cross in determining refugee status, and has not returned persons to a country where they fear persecution.

The Government provided first asylum to persons from Papua New Guinea's Bougainville Island, who fled the conflict that started there in 1989. Following the 1998 peace settlement, many have returned home. According to the UNHCR, there are less than 50 persons from Bougainville in the country who meet the criteria for refugee status. In September 1999, the Solomon Islands Red Cross reported that Bougainvillians sheltering in the country, who were not considered refugees, had been returning to Bougainville during 1999. Most of those who remained were employed professionals, and none were in Red Cross care shelters.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens had the right to change their government through periodic free and fair elections. Suffrage is universal for those 18 years of age and over. The Government is a modified parliamentary system consisting of a single-chamber legislative assembly of 50 members. Executive authority is vested in the Prime Minister and his Cabinet. The Prime Minister, elected by a majority vote of Parliament, selects his own Cabinet. Since independence in 1978, there have been five parliamentary elections, most recently in August 1997, and several elections for provincial and local councils. On four occasions, changes of government resulted from either parliamentary votes of no confidence or the resignation of the Prime Minister. However, in 1998 tensions between two of the main ethnic groups in the country—the Malaitans and the Guadalcanalese—resulted in violence. Throughout 1999 Guadalcanalese militants forced thousands of Malaitans residing on Guadalcanal from their homes. Beginning in January, Malaitan militants stole large quantities of weapons from the police and began to actively combat the Guadalcanalese. The conflict continued to escalate, and on June 5, armed Malaitan militants reportedly assisted by paramilitary police officers acting without authorization, took over Honiara, the capital. After the takeover, the Malaitan militants forced Prime Minister Bartholomew Ulufa'alu to resign. Parliament selected a new Prime Minister, Manasseh Sogavare, under duress. A new government, the Coalition for National Unity, Reconciliation, and Peace was formed after the new Prime Minister was selected. Since June the police have not operated as an effective force, and there is no governmental institution that can effectively address the ongoing violence.

Women are underrepresented in government and politics. Traditional male dominance has limited the role of women in government. Although 14 women ran for Parliament in the 1997 elections, only 1, an incumbent, was elected.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no restrictions on the formation of local organizations to monitor and report on human rights. The Solomon Islands Development Trust has both development and human rights objectives. The ICRC has an office in Honiara, and an Amnesty International team visited the country in mid-August. The Government cooperated with human rights organizations to the best of its ability, and requested assistance from the U.N. High Commissioner for Human Rights in formulating policies to restore peace and justice.

Red Cross volunteers and relief workers have reported being threatened, harassed, even shot at, and prevented from carrying out relief work by both Guadalcanalese and Malaitan militants.

There is a constitutionally provided ombudsman, with the power of subpoena, who can investigate complaints of official abuse, mistreatment, or unfair treatment. The Ombudsman's Office did not report any incidents involving interference with these rights. While the Ombudsman's Office has potentially far-ranging powers, it is limited by a shortage of resources.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides that no person—regardless of race, place of origin, political opinion, color, creed, or disability—shall be treated in a discriminatory manner in respect of access to public places. The Constitution further prohibits any laws that would have discriminatory effects and provides that no person should be treat-

ed in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remain the victims of discrimination in this tradition-based society. Unemployment is high, and there are limited job opportunities for the disabled.

*Women.*—While actual statistics are scarce, incidents of wife beating and wife abuse appear to be common. In the rare cases that are reported, charges often are dropped by the women before the court appearance or are settled out of court. The magistrates' courts deal with physical abuse of women as with any other assault, although prosecutions are rare. In part due to the breakdown in law and order, and the lack of a police force after June, women and teenage girls in particular are vulnerable to abuse including rape, and many rapes have been reported since the ethnic conflict began in 1998.

The law accords women equal legal rights. However, in this traditional society men are dominant, and women are limited to customary family roles. This situation has prevented women from taking more active roles in economic and political life. A shortage of jobs inhibits the entry of women into the work force. The majority of women are illiterate; this is attributed in large part to cultural barriers. The National Council of Women and other NGO's have attempted to make women more aware of their legal rights through seminars, workshops, and other activities. The Government's Women Development Division also addresses women's issues.

*Children.*—Within the limits of its resources, the Government is committed to the welfare and protection of the rights of children. There is no compulsory education, and, according to some estimates, only 60 percent of school-age children have access to primary education; the percentages of those attending secondary and tertiary institutions are much smaller. Children are respected and protected within the traditional extended family system, in accordance with a family's financial resources and access to services. As a result, virtually no children are homeless or abandoned. Although some cases of child abuse are reported, there is no societal pattern of abuse. The Constitution grants children the same general rights and protection as adults. Existing laws are designed to protect children from sexual abuse, child labor, and neglect. According to AI, Guadalcanalese militants included a number of child soldiers (see Section 6.d.).

*People with Disabilities.*—There is no law or national policy on the disabled, and no legislation mandates access for the disabled. Their protection and care are left to the traditional extended family and nongovernmental organizations. With high unemployment countrywide and few jobs available in the formal sector, most disabled persons, particularly those in rural areas, do not find work outside the family structure. The Solomon Islands Red Cross continued to conduct private fund-raising efforts to build a new national center for disabled children.

*National/Racial/Ethnic Minorities.*—The country is composed of over 27 islands with approximately 70 language groups. In the precolonial era, these groups existed in a state of endemic warfare with one another, and even today many islanders see themselves first as members of a clan, next as inhabitants of their natal island, and only third as citizens of their nation. Over the past century, and particularly since World War II, many persons from the poor, heavily populated island of Malaita have settled on Guadalcanal, the island on which the capital of Honiara is located. The tensions and resentment between the Guadalcanalese and the Malaitans on Guadalcanal culminated in violence beginning in late 1998 (see Sections 1.a., 1.b., 1.c., 1.f., 1.g., and 2.d.). In 1998 Guadalcanalese militants began a campaign of threats and intimidation against Malaitans on Guadalcanal. Scores of Malaitans have been killed and injured by Guadalcanalese militants. Since 1998 approximately 30,000 persons, mainly Malaitans, have fled their homes as a result of the conflict. Civilians have been the victims of abuses by both sides; such abuses reportedly included abductions, torture, rape, forced resettlement, looting, and burning homes.

Beginning in January, Malaitan militants began seizing weapons from the police; many police officers (who are largely Malaitans) joined the Malaitan militants. On June 5, Malaitan militants took over the capital of Honiara (which is largely populated by Malaitans), forced the Prime Minister to resign, and forced Parliament to choose another Prime Minister.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution implicitly recognizes the right of workers to form or join unions, to choose their own representatives, to determine and pursue their own views and policies, and to engage in political activities. The courts have confirmed these rights. Only about 10 to 15 percent of the population participate in the formal sector of the economy. Approximately 60 to 70 percent of wage earners are organized (90 percent of employees in the public sector and about 50 percent of those in the private sector).



The law permits strikes. Disputes are usually referred quickly to the Trade Disputes Panel (TDP) for arbitration, either before or during a strike. In practice the small percentage of the work force in formal employment means that employers have ample replacement workers if disputes are not resolved quickly. However, employees are protected from arbitrary dismissal or lockout while the TDP is deliberating. Since 1998 ethnic tensions and conflict on Guadalcanal, the most economically developed island in the country, seriously have disrupted economic activity and have resulted in the loss of many formal employment opportunities. Mainstays of the cash economy such as the Solomon Taiyo fish cannery and the country's only gold mine have closed as a result of the conflict. In June 1999, Solomon Islands Plantation Ltd. closed its facilities following attacks on its workers. About 2,000 employees were evacuated. Militants have prevented the return of the work force, 60 percent of whom are Malaitan.

Unions are free to affiliate internationally, and the largest trade union, the Solomon Islands' National Union of Workers, is affiliated with the World Federation of Trade Unions, the South Pacific Oceanic Council of Trade Unions, and the Commonwealth Trade Union Congress.

*b. The Right to Organize and Bargain Collectively.*—The Trade Disputes Act of 1981 provides for the rights to organize and to bargain collectively, and unions exercise these rights frequently.

Wages and conditions of employment are determined by collective bargaining. If a dispute between labor and management cannot be settled between the two sides, it is referred to the TDP for arbitration. The three-member TDP, composed of a chairman appointed by the judiciary, a labor representative, and a business representative, is independent and neutral.

The law protects workers against antiunion activity, and there are no areas where union activity is officially discouraged.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor, including forced and bonded labor by children, and, except as part of a court sentence or order, this prohibition is observed.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law forbids labor by children under the age of 12, except light agricultural or domestic work performed in the company of parents. Children under age 15 are barred from work in industry or on ships; those under age 18 may not work underground or in mines. The Labor Division of the Ministry of Commerce, Trade, and Industry is responsible for enforcing child labor laws. Given low wages and high unemployment, there is little incentive to employ child labor.

AI reports that the Guadalcanalese militant forces include children.

Forced and bonded labor by children is prohibited constitutionally and is not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The minimum wage rate is \$0.31 per hour (1.50 Solomon Islands dollars) for all workers except those in the fishing and agricultural sectors, who receive \$0.25 (1.25 Solomon Islands dollars). The legal minimum wage is not sufficient to support an urban family living entirely on the cash economy. However, most families are not dependent solely on wages for their livelihoods.

The Labor Act of 1969, as amended, and the Employment Act of 1981, as well as other laws, regulate premium pay, sick leave, the right to paid vacations, and other conditions of service. The standard workweek is 45 hours and is limited to 6 days per week. There are provisions for premium pay for overtime and holiday work and for maternity leave.

Malaria is endemic in the country and affects the health of many employees. Agricultural workers have a high risk of contracting malaria.

Both an active labor movement and an independent judiciary ensure widespread enforcement of labor laws in major state and private enterprises. The Commissioner of Labor, the Public Prosecutor, and the police are responsible for enforcing labor laws; however, they usually react to complaints rather than routinely monitor adherence to the law. The extent to which the law is enforced in smaller establishments and in the subsistence sector is unclear. Safety and health laws appear to be adequate. The Safety at Work Act requires employers to provide a safe working environment and forbids retribution against an employee who seeks protection under labor regulations or removes himself from a hazardous job site.

*f. Trafficking in Persons.*—The Constitution does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

## THAILAND

Thailand is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic influences on political life. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or dissolve the elected House of Representatives. There is a bicameral Parliament. The coalition Government, led by Prime Minister Chuan Leekpai's Democrat Party, was formed in 1997. General elections were scheduled for January 2001. The judiciary is independent, but is subject to corruption.

The security forces have wide-ranging legal powers, derived primarily from past militarily controlled administrations. Since 1992 the armed forces have become increasingly professional and increasingly subject to civilian control. Their influence in politics has been diminishing. The Royal Thai Police have primary responsibility for internal security and law enforcement. Elements of both the armed forces and the police have a reputation for corruption. Some members of the security forces committed serious human rights abuses.

Thailand is a newly industrializing country with a market-based economy and strong tradition of private enterprise, although state enterprises play a significant role in some sectors. A financial crisis that began in July 1997 led to a severe contraction in the economy lasting through early 1999. The economy resumed moderate growth in early 1999; Gross Domestic Product (GDP) growth is estimated at 4 percent for 2000. Annual per capita income, which peaked at \$3,000 in 1996, is approximately \$2,000, although depreciation of the local currency during the crisis magnified the decline. Roughly 60 percent of the population remains rural and agricultural, although agriculture only accounts for approximately 10 percent of GDP. Rice and other agricultural and fisheries products are important exports, as are electrical goods, textiles, and automobiles. Government efforts to narrow the gap between urban and rural living standards have met with only mixed success, and the Government increasingly focused on education and investment promotion in poor areas. The economy has been 2001 one of the most rapidly growing in the world. The economy is 2001 one of the most rapidly growing in the world. The economy is 2001 one of the most rapidly growing in the world.

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## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of politically motivated killings by government agents; however, legal organizations, reputable nongovernmental organizations (NGO's), and the press continued to report that some police officers used unwarranted lethal force in apprehending criminal suspects. Armed alleged drug traffickers in particular continued to confront and threaten police officers violently, and officers used deadly force during some arrest attempts. Police killed several criminal suspects while in custody. New procedures that regulate the investigation of deaths in custody went into place in June.

Following the armed seizure of the Ratchaburi provincial hospital by 10 Burmese dissidents in January, military and police forces entered the hospital to free the more than 700 patients, staff, and visitors held as hostages and to secure the premises. In the raid, government forces killed the hostagetakers; no hostages were injured. In media reports after the incident, some hostages claimed that the Burmese gunmen had been apprehended and disarmed before the security forces killed them; no evidence corroborated this claim. The Government, including the Prime Minister, denied the claims and maintained that the Burmese were killed during the course of the raid. Despite calls by the press for an investigation, the Government conducted no public investigation, and no other evidence to corroborate claims of abuse was presented.

In May 11 police officers were sentenced to life in prison or death for their roles in the 1994 killings of 4 Ministry of Interior (MOI) officials.

The two senior police officers arrested in the June 1999 Nonthaburi abduction and killing of a suspected car thief remain free on bail, and the court case was still pending at year's end. The Department of Corrections exonerated the prison guards accused in the June 1999 killings of three would-be escapees from Udon Thani provincial prison. The Department of Corrections also found no criminal behavior in the January 1998 killing of four prisoners escaping from Bangkok remand prison. Both cases are closed.

Previously the Government investigated some extrajudicial killings; however, in the past, it prosecuted few police or military officers accused of such abuses. A senior prosecutor in 1999 stated that 99 percent of all cases in which government officials were accused of extrajudicial killings were dropped on the basis of insufficient evidence. Senior prosecutors and legal associations claimed that most cases eventually were dismissed because regulations outlined in the Criminal Code required public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution. Initial inquiries were carried out by police officers, often the same units responsible for the killing. Credible sources reported that police investigators routinely determined that police took no wrongful action. Routine exoneration of police officers contributed to a climate of impunity that is a significant factor in preventing any major change in police behavior. It also discourages relatives of victims from pressing for prosecution. However, in June a new procedure for investigating suspicious deaths, including deaths occurring while the individual is in custody, took effect and is part of the amended Criminal Procedure Code. It requires, among other things, that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that family members may have legal representation at the inquests.

Families rarely take advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrest. If pursued by the family, the case is handled by the same office—in some instances by the same prosecutor—who already has ruled that no criminal action occurred. There is no information available to determine how many cases are settled out of court. However, in cases in which suits are filed, the official charged often compensates the family of the deceased, and the lawsuit is waived.

The Government continued to prosecute two cases of suspected extrajudicial killing from 1996. By year's end, the Attorney General had not yet decided whether to proceed with murder charges against the police officer implicated in the 1996 Supan Buri killing of six suspected drug dealers. The trial of the police officer charged in the 1996 killing of farmer activist Joon Bhoonkhuntod was still in progress in December.

In December 1999, The Court dismissed the murder charges in the 1996 case of the suspected political killing of environmental protester Thong-in Kaewwattha.

In November police intercepted and assaulted a vehicle in Kanchanaburi province that was commandeered by 9 Burmese persons who had been convicted of violent felonies in Thailand and were fleeing toward Burma. The escapees were armed, had critically wounded one prison official, and had taken hostages. In the course of res-

cuing the hostages, security forces killed all the escapees. One hostage was killed in the shooting.

There were 11 killings of political canvassers during the election campaigns leading up to the January 2001 general election and March 2001 Senate elections. All the victims worked for all political parties, and all the killings allegedly were politically motivated. Police arrested several persons in connection with the killings, and investigations continued at year's end. Legal organizations, reputable NGO's, and the press reported that some police officers used unwarranted lethal force in apprehending criminal suspects.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

As a result of a freedom of information request by the victims' families, the Government in May released the Defense Ministry's report on the military forces' suppression of political demonstrations in May 1992. The report provided no new information on the whereabouts of the remaining 38 prodemocracy protesters still listed as missing. Most, if not all, are presumed by family members and NGO's to be dead.

The results of a government investigation into the 1991 disappearance of Labor Congress of Thailand president Thanong Po-an conducted by the House Justice and Human Rights Standing Committee have never been released to the public.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and the Criminal Code forbid torture and cruel, inhuman, or degrading treatment or punishment; however, NGO's and legal organizations continue to report that some members of the police occasionally beat suspects in order to coerce confessions. Authorities also investigated police officers accused of raping and extorting sex from female suspects in detention.

In January the Ministry of Defense reported that an Army Lieutenant was convicted of July 1999 sexual crimes against a group of Burmese refugee women, but the lieutenant received only a 1-year suspended sentence.

Some NGO's accused police of using excessive force in July when demonstrators engaged in a long-term protest against the Government attempted to enter Government House by force. This compound contains the Prime Minister's office. Other participants in the protest said that the police had acted professionally. The police also maintained that they acted with restraint to protect government property. Approximately 20 persons sustained minor injuries.

Among junior police officers, corruption remains widespread. In September residents of Nakhon Si Thammarat rioted in response to frequent demands for bribes by traffic police. Police officials complain that low pay for members of police forces makes them susceptible to bribes.

Some corrupt police and soldiers are involved in prostitution and trafficking in women and children (see Sections 5, 6.c., and 6.f.).

Prison conditions are poor but in general they do not threaten the life or health of inmates. Already severe prison overcrowding worsened during the year. Sleeping accommodations and access to medical care remain areas of concern that require continued attention. Medical care in prisons is inadequate. To care for a total prison population of 219,176 inmates in 168 prisons that have a total design capacity of 100,000 prisoners, the Corrections Department employs only 17 full-time doctors and 7 full-time dentists.

Prison authorities sometimes used solitary confinement to punish difficult prisoners. They also used heavy leg irons without apparent cause. Credible sources continued to report that prisoners captured in escape attempts were beaten severely.

Poor conditions in Bangkok's Suan Phlu Immigration Detention Center (IDC) improved somewhat during the year, but conditions in provincial detention centers remained very poor. There were no reports that detainees transferred to Bangkok arrived in a debilitated state as in 1999. Immigration detention facilities are not administered by the Department of Corrections and are not subject to many of the regulations that govern the regular prison system. The number of long-term immigrant detainees declined due to a 1998 MOI policy that allows illegal immigrants arrested in border areas to be deported without first being sent to an immigration detention center, but some foreigners still face trial delays of up to 6 months. Despite the drop in the detainee population, overcrowding and shortages of food and water in the immigration detention centers remain significant problems. Early in the year, the Department of Corrections suspended plans to construct two additional prisons for women accused of drug-related offenses.

Access to prisons is not restricted, and the Government permits visits by human rights monitors and the Thai International Red Cross.

*d. Arbitrary Arrest, Detention, or Exile.*—With few exceptions, including crimes in progress, the law requires police officers making an arrest to have warrants, and authorities respect this provision in practice. Under the Constitution, persons must be informed of likely charges against them immediately after arrest and must be

allowed to inform someone of their arrest. Detainees have a right to have a lawyer present during questioning, and the police generally respected this right in practice during the year. Foreign prisoners sometimes are forced to sign confessions without benefit of a competent translator.

Police also are required to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest. However, lawyers report that the police rarely bring their cases to court within this period since the Criminal Procedure Code allows an extension period of up to 3 days. Police also may seek court permission to hold suspects for additional periods (up to a maximum of 82 days for the most serious offenses) to carry out investigations. In addition laws and regulations place any offense for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have special procedures. In these cases, police are required to submit cases to public prosecutors within 72 hours of arrest. There is a functioning bail system.

The only legal basis for detention by the police without specific charges for long periods (up to 480 days) is the AntiCommunist Activities Act, which authorities did not invoke during the year. In March the Government approved legislation to abrogate this law (see Section 2.a.); the new legislation is to become effective in June 2001.

Of more than 200,000 prison inmates, approximately 78,000 were charged with narcotics violations. Approximately 27 percent of the total prison population were pretrial detainees. Pretrial detainees usually are not segregated from the general prison population. According to one lawyers' association, pretrial detainees are held an average of 60 days.

The Government does not use exile as a means of political control.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, while the judiciary generally is regarded as independent, it is subject to corruption and has a reputation for venality.

The civilian judicial system has three levels of courts: Courts of first instance; courts of appeal; and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law. There is no right to appeal military court decisions. The Constitutional Court, charged with interpreting the Constitution, began operating in 1998; the Court provides a mechanism to implement the Constitution fully. The courts became fully independent of the Ministry of Justice in August. Islamic (Shari'a) courts provide due process and hear only civil cases concerning members of the Muslim minority. Access to courts or administrative bodies to seek redress is provided for and respected.

There is no trial by jury. Trials for misdemeanors are decided by a single judge, and more serious cases require two or more judges. While most trials are public, the court may order a trial closed. This is done most often in cases involving national security or the royal family. Career civil service judges preside over the courts. Judicial appointments and judicial bodies are not subject to parliamentary review.

The Constitution provides for the presumption of innocence. Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provides free legal advice to the poor, but indigent defendants are not provided with counsel at public expense automatically. Most free legal aid comes from private groups, including the Thai Lawyers Association and the Thai Women Lawyers Association.

There were no reports of political prisoners. Sorayut Sakunnanasantisat, a Muslim mullah convicted of offenses against the monarchy and of violating national security for leading a political protest in 1990, was released from prison in December 1999.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The Constitution provides for the rights, and the Government generally respects them in practice. With few exceptions, including crimes in progress, the Constitution requires police to obtain a warrant from a court prior to conducting a search. However, the procedures for issuing warrants are not standardized, primarily because various laws such as the Criminal Procedure Code and internal government regulations, including those that apply to the police department, have not been amended to comply with the Constitution. The laws must be amended to comply with the Constitution by 2002.

Lawyers' associations reported that police at times endorsed blank search warrants or used legitimate warrants to conduct intrusive searches outside the stated evidentiary domain. NGO's concerned with the welfare of highlanders reported that police and military units carried out several warrantless searches of villages for narcotics in northern provinces during the year. This type of operation is permitted

under both the Constitution and the Narcotics Prevention and Suppression Act of 1976 in cases in which there is reasonable suspicion and an urgent search is deemed necessary. However, some academic groups claimed that the searches were arbitrary and violated the villagers' civil rights. The AntiCommunist Activities Act, which had allowed officials engaged in "Communist suppression operations" to conduct searches without warrants, was abrogated in March (see Section 1.d.).

The Director of the Telephone Organization of Thailand resigned in June following disclosure of illegal wiretaps on the residential telephone of Wira Somkhwamkhith, an anticorruption activist (see Section 4).

Security services monitor persons who espouse extremist or highly controversial views, including foreign visitors.

NGO's concerned with the welfare of women had reported in the past that hospital and district officials sometimes changed the identification of unwed expectant mothers from "Miss" to "Mrs.," although it is illegal to do so and despite the fact that the women possessed no marriage or divorce certificates. Lacking these documents, the women could encounter difficulties in obtaining official documents needed for some business and government transactions. In 1995 the MOI warned clerks against making such an error.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for, and citizens generally enjoy, a large measure of freedom of speech and of the press, and the Government generally respects these rights in practice. However, the Government may restrict these rights to preserve national security, maintain public order, preserve the rights of others, and protect public morals. In practice this rarely has been done. Laws that prohibit criticism of the royal family (*lese majeste*), threats to national security, or speech likely to incite disturbances or insult Buddhism remain in place under the Constitution.

The Constitution makes it unlawful for the Government to censor, ban, license, or restrict print or broadcast media, except by specific legislation in times of crisis. While newspapers and periodicals practice some selfcensorship, especially with regard to the monarchy and national security problems, media criticism of political parties, public figures, and the Government is common and vigorous. Journalists generally are free to comment on governmental activities without fear of official reprisal.

During the year, there were two cases of suspected intimidation of the press. In April the Editor in Chief of the Chiang Mai daily newspaper Pak Nua was shot and seriously wounded in an attempted murder, but recovered. Police arrested four soldiers, all of whom were detained without bail. One civilian suspect was not arrested. The editor believes that his repeated critical reporting on the local government led to the assault. His statements have implicated several local government officials. The case is under investigation. The Government and the Prime Minister strongly criticized the murder attempt.

In August unknown persons detonated a bomb at the front gate of the home of the crime editor of the sensationalist Bangkok daily newspaper Khao Sod, causing only property damage. The editor wrote a daily column that used innuendo to combat both organization crime and police corruption. No one claimed responsibility for the bombing.

Under the 1941 Printing and Advertisement Act, the Royal Thai Police Special Branch issued warnings to publications for various violations such as disturbing the peace, interfering with public safety, or offending public morals. The 1941 Act permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. No such closures occurred during the year. Legislation was proposed in 1998 to revoke the act. The Juridical Council approved the revocation of the act, but final revocation awaits approval by the Council of State.

An antipornography law allows police to restrict or confiscate printed publications and other materials deemed obscene; the interpretation generally is limited to hardcore pornographic material.

Domestic publications continued to present a wide range of political and social commentary. Unless critical of the royal family or the monarchy, foreign and domestic books normally are not censored and circulate freely. Police have the authority to ban the importation of publications but generally do not exercise it. In March the Government set a date of June 2001 to abolish the 1952 AntiCommunist Activities Act, which had been created to counter the threat of Communism through media restriction.

Radio and television stations enjoy the same constitutional protections of freedom of expression and speech as the print media. All radio and television stations are

licensed by the Government, and most are operated under the direct or indirect oversight of the Government or the armed forces. Radio and television station profits are retained by organizations that control frequencies, such as government ministries, universities, and the military services. The military services retain 40 to 50 radio and television frequencies for national security purposes, despite civilian government assurance that the military services may use all broadcasting frequencies in the event of a national emergency without the need to own them.

Radio stations must renew their licenses every year, and their signals are broadcast via government transmitters. They are required by law to broadcast government-produced newscasts twice daily, 30 minutes each in the morning and evening.

There is one cable television network. It enjoys almost complete autonomy under the indirect oversight of the Mass Communications Authority of Thailand. In addition a wholly independent ultra-highfrequency television station (ITV) managed by a private consortium including the outspoken Nation Multimedia Group had operated since 1996. In May it was purchased by another corporation affiliated with Thai Rak Thai Party leader Thaksin Shinawatra. One new 24-hour, independent all news station, operated by former owners of ITV, began broadcasting exclusively on cable television in June.

Programmers generally are free to determine the nature and content of television broadcasts. However, as with the print media, self-censorship exists. Stations occasionally censor or "black out" portions of programming that they deem politically sensitive or pornographic. A censorship board exists in the Prime Minister's office, but it rarely restricts television or radio broadcasts.

The Constitution calls for the liberalization of the broadcast media and the establishment of an independent National Broadcasting Commission (NBC) to oversee frequency management; it expects to be operational in April 2001. The seven Commission members are expected to be selected from four broad categories: Government, broadcasting, NGO's, and universities. The NBC is authorized to redistribute frequencies previously controlled by the Government to eligible organizations or individuals in the country. The media criticized the proposed implementation regulations, arguing that they contain broad censorship powers and allows the Government to retain a large number of its frequencies.

Under the 1930 Film Act, theater owners and broadcasters must submit films that they plan to show to the film censorship board for review. The board may require that portions of the film be removed, or it may ban the film. Reasons for censoring films include violating moral and cultural norms and disturbing the public order and national security. Theater owners and broadcasters frequently censor films themselves before submitting them to the board. According to the office of the Film Censorship Board, 176 films were submitted for review in 1999, the most recent year available. Two films were banned in 1999.

Activity on the Internet remains unregulated.

The Constitution provides for the right to engage in academic pursuits, and academic freedom is respected. The Ministry of Education edits public school textbooks. No textbooks were censored during the year.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Permits are not required for private meetings or gatherings unless held on public property or organized by foreign nationals; these are granted routinely.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Private associations must register with the Government; such registration is approved routinely.

In November in Ubon Ratchathani province, villagers allegedly paid by the Government's electric power authority violently dispersed a longstanding protest by the Assembly of the Poor and other persons at the Pak Mun dam. The villagers seriously injured 4 protesters and burned more than 500 temporary shelters. A police investigation was in progress at year's end (see Section 1.c.).

*c. Freedom of Religion.*—Freedom of religion is protected by law, and the Government generally respects this right in practice; however, it restricts the missionary activities of some groups. The Constitution requires that the monarch be a Buddhist. The state religion is in effect Theravada Buddhism; however, it is not designated as such.

The Constitution requires the Government "to patronize and protect Buddhism and other religions." The State subsidizes the activities of the three largest religious communities (Buddhist, Islamic, and Christian). Since mid1999 the Government has provided more than \$49 million (2 billion baht) to support Buddhist and Muslim institutes of higher education; to fund religious education programs in public and private schools; to provide daily allowances for monks and Muslim clerics who hold administrative and senior ecclesiastical posts; and to subsidize travel and health care

for monks and Muslim clerics. This figure also includes an annual budget for the renovation and repair of Buddhist temples and Muslim mosques, the maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani.

The Government plays an active role in religious affairs. The Religious Affairs Department (RAD), which is located in the Ministry of Education, registers religious organizations. In order to be registered, a religious organization first must be accepted into an officially recognized ecclesiastical group. There were seven groups, including one for the Buddhist community, one for the Muslim community, one for the Catholic community, and for Protestant denominations. Government registration confers some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Although some activities of groups that have not been accepted into one of the existing recognized groups have been restricted, in general unregistered religious organizations operate freely. There were no reports of the extortion of unregistered groups by local officials during the year.

Under the provisions of the Religious Organizations Act of 1969, the Department of Religious Affairs recognizes a new religion if a national census shows that it has at least 5,000 adherents, has a uniquely recognizable theology, and is not politically active. However, since 1984 the Government has maintained a policy of not recognizing any new religious faiths. This has restricted the activities of some groups that have not been accepted into one of the existing religious governing bodies on doctrinal or other grounds.

Religious instruction is required in public schools at both the primary (grades 1 through 6) and secondary (grades 7 through 12) education levels. Students at the primary level are required to take 80 hours of instruction per academic year in religious studies classes. Instruction is limited to Buddhism and Islam. During the year, some parts of the country with large Muslim student populations do not have Muslim studies courses. Muslim students in these schools generally were directed to school libraries to participate in Muslim self-study courses.

National identity cards produced by the MOI included the religious affiliation of the holder. The change was implemented in 1999 in response to the demands of parliamentarians who wanted easier identification of persons who required Muslim burial. Persons who fail or choose not to indicate religious affiliation in their applications may be issued cards without religious information.

The Government permitted foreign missionary groups to work freely throughout the country, although it also maintained policies that favored proselytizing by citizens.

The number of foreign missionaries officially registered with the Government is limited to a quota that originally was established by the RAD in 1982. There were no reports that foreign missionaries were deported or harassed for working without registration, although the activities of Muslim professors and clerics were subjected disproportionately to scrutiny on national security grounds because of continued government concern about the potential resurgence of Muslim separatist activities in the south.

Laws prohibiting speech likely to insult Buddhism remain in place under the 1997 Constitution. The police, who have legal authority under the Printing and Advertisement Act of 1941 to issue written warnings or orders suspending the publication or distribution of printed materials considered offensive to public morals, did not use it to restrict the publication or distribution of religious literature during the year. The act requires all theater owners and broadcasters to submit films scheduled for screening to a government film censorship board for review (see Section 2.a.).

Muslim female civil servants are not permitted to wear headscarves when dressed in civil servant uniforms.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for the right of citizens to change their residence or workplace, and authorities generally respect this right in practice; however, there were some exceptions. Longstanding written restrictions on the travel and domicile of certain Vietnamese resident aliens who immigrated to Thailand in 1945 and 1946, and Chinese who immigrated between 1953 and 1961, remain in place. In addition other long-term noncitizen residents, including several hundred tribal people, officially are required to seek permission from local authorities or the army for foreign or domestic travel. In practice authorities rarely enforce these restrictive measures, and registered resident aliens move freely within the country.

During the year, the Government permitted a total of 99,974 Burmese, Cambodian, and Lao workers already in the country to hold manual labor jobs in 18 sectors. These persons were permitted to work and to move freely in 37 of the 76 provinces. The Government deported 163,966 migrant workers and families during the



year. However, NGO's reported that a large number of those deported later returned to the country.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government continued to provide first asylum to small numbers of Vietnamese and Lao asylum seekers pending their resettlement in other countries as well as to persons unable to meet the refugee definition pending arrangements to return them to their countries of origin.

Along the border with Burma, the Government generally followed its policy of providing first asylum to new arrivals, referred to as displaced persons. Provincial screening committees determine eligibility to enter the refugee border camps based upon very narrow criteria, limited to those who flee actual fighting rather than on broader grounds of persecution on the basis of race, religion, ethnic group, social class, or political opinion. Consequently, several thousand asylum seekers from Burma, primarily of the Karen ethnic group, who resided in Thailand but previously were not acknowledged as refugees, were given refugee status during the year and were permitted to receive assistance and protection in designated refugee camps.

The Government and the UNHCR do not extend displaced person status to the large number of the Shan ethnic minority members who have crossed the border into the country from Burma but who have not requested refugee status.

In June and August, the Government repatriated 116 Burmese deemed ineligible for assistance in the camps. The UNHCR unsuccessfully appealed on behalf of those asylum seekers.

Most of those returned to Burma in mid-year reportedly have returned to the camps.

There is no legislation regarding the treatment of refugees. However, the Government has continued to permit the UNHCR to exercise its mandate with regard to small numbers of Vietnamese and Lao asylum seekers awaiting repatriation. The Government also upheld its 1998 decision to allow the UNHCR to play a formal role in monitoring and providing protection to about 130,000 refugees from Burma, mostly ethnic minorities, in more than a dozen sites near the border with Burma. The UNHCR's previous mandate had been limited to a few hundred ethnic Burman students at the Burmese Center, formerly known as the Burmese Student Safe Area, located in Ratchaburi province. The Government continued to restrict access to the Center to those persons from Burma to whom the UNHCR had accorded refugee status.

After the October 1999 takeover of the Embassy of Burma in Bangkok by Burmese dissidents, the Government accelerated the pace of third-country resettlement of Burmese students. Since then more than 1,200 have been resettled in nine countries.

The Government also continued to allow NGO's to provide food, medical services, housing, and other services to Burmese refugees near the border. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as "persons of concern" by the UNHCR.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides for the right of citizens to choose or change their government peacefully through free and fair elections based on universal suffrage. Voting is compulsory. Eligible voters who fail to exercise their voting responsibilities, except for those excused on reasonable grounds, are subject to the loss of certain rights, including the right to be a candidate in future elections. However, the Constitution prohibits Buddhist monks and nuns from seeking public office. Citizens last exercised this right in an election in 1996 that generally was viewed as free, but was marred by widespread vote buying, a recurrent problem. Peaceful transitions have marked all changes of government since 1992.

The campaign for the January 2001 general election was free and fair, but was marred by alleged vote-buying. Monitoring by the Election Commission established by the Constitution lessened the most egregious offenses observed in past campaigns.

The country is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic influences on political life. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but has never has used his constitutionally mandated power to veto legislation or dissolve the elected House of Representatives. There is a bicameral Parliament. The coalition Government, led by Prime Minister Chuan Leekpai's Democrat Party, was formed in 1997. General elections were scheduled for January 2001.

In August the first directly elected Senate took office. The Senate election required multiple rounds of voting for some districts because the Election Commission voided some results due to perceived irregularities such as evidence of vote-buying. The election provided a first test of new election laws. In October the Constitutional Court ruled that the Election Commission could disqualify a candidate whom the Commission finds guilty of electoral irregularities.

While there are no legal restrictions on their political participation, women generally are underrepresented in national politics, especially at senior levels. There was essentially no change in the number of women assigned or elected to positions of leadership. There are 15 women among the 264 members of the House of Representatives; in the 200member Senate, 21 Senators are women.

Of the Parliament elected in 1996, there were 22 women among the 393 members of the House of Representatives. On average less than 10 percent of Parliament members have been women; however, this figure has risen steadily. Following the resignation of one woman from the Cabinet to compete in the election for Bangkok Governor, there are two women in the 48member Cabinet. On average approximately 5 percent of Cabinet members in recent years have been women. Although over half of civil service employees are women, few hold senior positions.

No laws prohibit the participation of ethnic minorities, but few hold positions of authority in national politics. Muslims from the south hold significant elected posts in the Government, although they continue to be underrepresented in local and provincial government positions, which are appointed by the central Government. There were 8 Muslim Members of the Senate and 17 Muslim Members in the 1996 Parliament, including Foreign Minister Surin Pitsuwan.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A wide variety of local, domestic, and international human rights organizations work on controversial problems without government restriction, investigating and publishing their findings on human rights cases freely. Government officials generally were cooperative and responsive to their views; however, at times the Government hindered the activity of a few human rights groups.

Very few NGO's are accorded tax-exempt status, and this sometimes hampers the ability of domestic human rights organizations to secure adequate funding.

The independent National Counter Corruption Commission began an investigation into the wiretap surveillance of the telephone of Wira Somkwamkhit, Chairman of the People's Rights Protection Group, an anticorruption NGO. Wira had been investigating corruption charges against then Deputy Prime Minister Sanan Khrachonprasat, who was forced to resign after the Commission found that he had falsified financial statements.

In reaction to the 1999 seizure of the Burmese Embassy in Bangkok and the January seizure of the Ratchaburi Hospital by Burmese dissidents, the security forces stepped up enforcement against NGO's working with Burmese exiles. Some NGO's reported that authorities closed their offices, seized their property, and arrested several activists. In November and December, two foreign activists who worked with NGO's to help Burmese exile groups were denied entry into the country on the basis of the national interest clause of the Immigration Act.

The Constitution mandates the establishment of a permanent 11member National Commission on Human Rights (CHR). The newly elected Senate had selected 9 of its 11 members by year's end from the list of 22 nominees made by the previous Senate. The Commission when operational would operate as a separate government entity to prepare an annual evaluation of the human rights situation for the National Assembly, propose policies and recommendations for amending laws to the National Assembly, promote measures to educate citizens on human rights, and investigate human rights abuses.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status. In practice some discrimination exists, and government enforcement of equal protection statutes is uneven.

*Women.*—Domestic abuse continues to be a serious problem affecting the welfare of many women; reliable reports indicate that domestic abuse occurs across all social classes. Specific laws concerning domestic violence have not been enacted. Spousal and child abuse are covered by assault provisions in the Criminal Code, but rules of evidence often make prosecuting such cases difficult. Police do not enforce laws against such violence vigorously, and domestic violence often goes unreported because many victims and authorities continue to regard domestic abuse as a private,

not a legal matter. NGO's supported programs designed to aid victims, including emergency hotlines, temporary shelters, counseling services, and a television program designed to increase awareness of domestic violence, HIV/AIDS, and other women's issues. The Government's "one-stop" crisis centers in state-run hospitals established to care for abused women and children continued operation but faced budget difficulties.

Under the Criminal Code rape is illegal. However, a husband may not be prosecuted for spousal rape. In 1998 the Government proposed changes to the Criminal Code that would redefine the term rape to include marital rape. The proposed changes were pending at year's end.

According to credible sources, rapes and domestic assaults are underreported, in part because law enforcement agencies are widely perceived to be incapable of bringing perpetrators to justice. Since 1994 police have sought to change this perception and encourage women to report sexual crimes through the use of teams of female police officers that operate in metropolitan Bangkok police stations, with a total of 20 female investigators. The police expanded this program to three provinces by ad/F5 1 Tfrtd ema(20 female officers.)Tj1 -1.0125 TD21525 TPe ptitueratipe is illeion bulencablitorItpie fficncolideadraisigr

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Child labor remains a problem, and some international organizations, government-funded research organizations, and news media continued to report on the large number of children leaving school for economic reasons (see Section 6.d.).

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment provide for harsher penalties if the victim is a child. However, as with domestic abuse, police are reluctant to investigate abuse cases, and rules of evidence make prosecution of child abuse cases difficult. In September legislation designed to protect witnesses, victims, and offenders under the age of 18 came into effect. The new procedures allow children to give evidence on videotape and in private surroundings in the presence of a psychologist, psychiatrist, or other social worker. Persons charged with pedophilia would be charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Child prostitution, including forced prostitution and trafficking in children, is a serious problem (see Sections 6.c. and 6.f.). The Government, university researchers, and NGO's estimate that there are as many as 30,000 to 40,000 prostitutes under the age of 18.

*People with Disabilities.*—The Government has enacted legislation designed to ensure access to public facilities and to prohibit employment and education discrimination against the disabled; however, it has not enforced these laws effectively. An estimated 110,000 disabled children attend school, with 60,000 to 70,000 enrolled in about 4,000 regular public schools that have been equipped to accommodate students with physical disabilities. Nationwide, there are 8 government-operated and 10 NGO-operated training centers for the disabled. However, with little education, very few disabled adults are able to find employment. Many of those who do find employment report being subjected to wage discrimination. The law requires that private firms hire 1 disabled person for every 200 other workers or contribute to a fund that benefits the disabled, but this provision has not been enforced since it came into effect in 1994. Some state enterprises maintain discriminatory hiring policies.

The Constitution mandates access to public buildings for the disabled, but laws implementing the provisions have not yet been enacted. The 1999 regulation that makes compliance mandatory was not enforced during the year. Disabled persons who register with the Government are entitled to free medical examinations, wheelchairs, and crutches.

*Indigenous People.*—In May the MOI redefined the category of hill tribe residents eligible for citizenship to include previously undocumented tribal people, now collectively called "highlanders". The new regulations also ease the requirement to establish citizenship. The new definition includes persons who formerly were defined either as indigenous or migrants. The new regulations also ease the requirement to establish citizenship by allowing a wider range of evidence and empowering local officials to decide cases. In August the Government agreed to grant citizenship to descendants of certain groups of resident aliens. Those without proper documentation, who account for approximately half the estimated 700,000 to 880,000 such persons, still face restrictions on their movement, may not own land, and are not protected by labor laws, including minimum wage requirements. They sometimes are denied adequate education and health care. Those residing in national parks or wildlife sanctuaries sometimes are subject to eviction. As noncitizen residents, they also are barred from participating in the political process.

Societal discrimination, arising from widely held beliefs that hill tribe members are involved in drug trafficking and forms of environmental degradation, continued. In June and August, a group of villagers attacked a Hmong orchard that allegedly encroached into an environmentally protected area. Hill tribes occasionally were subjected to indiscriminate searches of villages for illegal drugs (see Section 1.f.).

*Religious Minorities.*—There were no reports of violence against members of religious minorities, but some societal discrimination remains. Muslims, who represent up to 10 percent of the country's population nationwide, and constitute the majority in four of the five southernmost provinces that border Malaysia, experienced some discrimination. The Government continued to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities.

*National/Racial/Ethnic Minorities.*—The Sino-Thai population is well integrated and does not face discrimination. However, about 50,000 former Chinese soldiers and dependents of a Kuomintang army that fled China after the Communist takeover and approximately 45,000 Vietnamese immigrants who reside in five north-eastern provinces live under a set of laws and regulations that restrict their movement, residence, education, and occupation; however, these laws rarely are enforced (see Section 2.d.). According to Government sources, over 22,600 children of Viet-

namese immigrants and 6,209 children of Chinese Kuomintang immigrants from these groups have been naturalized.

*Section 6. Worker Rights*

*a. The Right of Association.*—The 1975 Labor Relations Act grants freedom of association to all private sector workers, who have the right to form and join unions of their choosing without prior authorization; to decide on the constitutions and rules of these associations and unions; to express their views without government or employer interference; to confederate with other unions; to receive protection from discrimination, dissolution, suspension, or termination by any outside authority because of union activities; and to have employee representation in direct negotiations with employers. However, no law explicitly protects workers from discrimination who have participated in organizing new unions that have not been registered officially. Union leaders reported that employers often discriminate against workers seeking to organize unions. During the year, employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of new unions. The Government had not amended this legislation by year's end.

The International Confederation of Free Trade Unions criticized a draft revision of the Labor Relations Act, claiming that it restricted union rights. The Department of Labor's subsequent revision awaited presentation to the new Parliament at year's end.

In February 1999, the Government enacted the State Enterprise Labor Relations Act (SELRA), which provides public sector employees in state enterprises the same workers' trade union rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state enterprise workers. It took effect in April 1999.

Less than 2 percent of the total work force, but nearly 11 percent of industrial workers, are unionized. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the Government to diminish union cohesiveness, and the share of total employment that is agricultural often are cited as reasons for low rates of labor organization.

State enterprise unions do not have the right to join private sector federations. However, unofficial contacts between public and private sector unions continue, and the Government has not interfered with these relationships.

The Government has the authority to restrict private sector strikes that would "affect national security or cause severe negative repercussions for the population at large," although it seldom invokes this provision and did not do so during the year. Labor law also forbids strikes in "essential services," defined much more broadly than in the International Labor Organization (ILO) criteria, and includes sectors such as telecommunications, electricity, water supply, and public transportation as essential services. No strikes were disapproved during the year.

Some corrupt private sector union leaders have been exploited by politicians or employers, but public unions generally operate independently of the Government and other organizations. Internal conflicts, corruption, and a lack of influential leadership continued to weaken the labor movement.

Unions are free to associate internationally with other trade organizations, and they maintain a wide variety of such affiliations.

*b. The Right to Organize and Bargain Collectively.*—The Labor Relations Act recognizes the right of private sector workers to organize and bargain collectively and defines the mechanisms for such negotiations and for government-assisted conciliation and arbitration in cases under dispute. In practice genuine collective bargaining occurs only in a small fraction of workplaces and in most instances continues to be characterized by a lack of sophistication on the part of employee groups and autocratic attitudes on the part of employers. Wage increases for most workers come as a result of increases in the minimum wage, rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite committees may further limit union influence; many of these provincial committees have excluded labor representatives and have placed factory managers on the wage committees to represent worker interests.

The Government sets wages for both civil servants and state enterprise employees under SELRA. A system of labor courts created in 1980 exercises judicial review over most aspects of labor law for the private sector. Workers also may seek redress for grievances through the Tripartite Labor Relations Committee. Redress of grievances for state-enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders dismissed unjustly usually are awarded only monetary compensation.

No separate labor legislation applies in the nine export processing zones, in which wages and working conditions often are better than national norms because of the preponderance of Western and Japan-based multinational firms.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor except in the case of national emergency, war, or martial law; however, while these provisions generally are enforced in the formal sector, forced labor in the informal sector remains a problem. The law specifically prohibits forced or bonded labor by children (see Section 6.d.). During the year, there were reports of sweatshops in which employers prevented workers from leaving the premises. There are no estimates of the number of such sweatshops, but the growing number of illegal aliens from Burma, Cambodia, and Laos increases the opportunities for such abuse. Trafficking in women and children for the purpose of prostitution also remains a serious problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—In 1998 the Government raised the legal minimum age for employment to 15 years. The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (from 10 p.m. to 6 a.m.), or in places in which alcohol is served, is prohibited by law. Children, perhaps more than 1 million children nationwide, work on family farms. NGO's report that 2 to 4 percent of children between the ages of 6 and 14 work in urban employment and are at risk of labor abuse. Most underage workers in urban areas work in the service sector, primarily at gasoline stations and restaurants. Child labor is not evident in larger foreign-owned or Thai export-oriented factories. However, no comprehensive survey of child labor in smaller enterprises exists, since NGO's do not have access to shop house factories. The DOL employed 803 fulltime inspection officers during the year. Enforcement of child labor laws is not rigorous, and inspectors usually respond to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators is to negotiate promises of better future behavior, rather than to seek prosecution and punishment. The law prohibits all forms of child labor and implicitly includes forced or bonded labor by children (see Section 6.c.). The Government attempted to address the problem of child labor in 1998 by extending compulsory education from 6 to 9 years (see Section 5); however, the Primary Education Act has not been amended to implement this provision.

The Government worked to define worst forms of child labor in ILO Convention 182 and indicated its readiness to ratify the Convention in January 2001.

*e. Acceptable Conditions of Work.*—The minimum wage ranges from \$3.30 to \$4.12 (133 to 165 baht) per day, depending on the cost of living in various provinces. This wage is not adequate to provide a decent standard of living for a worker and family. With extended family members' financial contributions, the minimum wage provides the basis for a marginally adequate overall standard of living. However, nationwide, more than half of workers receive less than the minimum wage, especially in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum-wage laws is mixed.

Unskilled migrant workers as well as illegal aliens often work for wages that are significantly lower than the minimum wage. The minimum wage does not apply to undocumented hill tribe members, who also are not protected by other labor laws. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements, but workers in rural provinces frequently are reported to receive less than the minimum wage.

In 1998 the Government mandated a uniform maximum workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, may work a maximum of 35 hours per week. The petrochemical industry is excluded from these regulations.

Work permits for immigrant laborers initially are granted for 1 year, and routinely are extended for a second year. The Government deported 163,996 illegal workers during the year, most of them to Cambodia and Burma. The press criticized this program as ineffective, and NGO's reported that a large number of those deported return soon thereafter.

Working conditions vary widely. The rate of injury from industrial accidents has remained relatively constant over the last 10 years at 4.5 percent of the total work force. The MOL stated that the average annual rate of workrelated deaths was 15 per 100,000 workers. Occupational diseases rarely are diagnosed or compensated, and few doctors or clinics specialize in occupational diseases. In medium-sized and large factories, government health and safety standards often are applied, but en-

forcement of safety standards is lax. In the large informal sector, health and safety protections are substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers with prohibitions on working night shifts, overtime, or holidays, as well as for those working with dangerous machinery or on boats.

The Ministry of Labor and Social Welfare promulgates health and safety regulations regarding conditions of work. Labor inspectors are responsible for enforcement of health and safety regulations; the strictest penalty is 6 months' imprisonment. Provisions in the Labor Protection Law include the establishment of welfare committees, which include worker representatives, in factories employing over 50 persons. These committees are to set and review health and safety conditions in each factory. There is no law affording job protection to employees who remove themselves from dangerous work situations. Master Toy Works employees protested unsafe working conditions in April. In October the factory closed, and its 279 laid-off workers received the mandatory compensation of \$750 (30,000 baht) each.

Courts continued to hear witnesses' testimony in the case of the 1993 Kader Toy Factory fire.

*f. Trafficking in Persons.*—The law prohibits trafficking in women and children; however, the country is a source, transit place, and destination for trafficking in women and children for a variety of purposes that include indentured servitude and forced labor and prostitution (see Section 5); such trafficking is a serious problem. Government and NGO estimates of the number of women and children engaged in prostitution vary widely. Many NGO's and government departments report a figure of 200,000 persons, which is considered a conservative estimate. This figure includes children under the age of 18 and foreigners.

The Government, university researchers, and NGO's estimate that there are as many as 30,000 to 40,000 prostitutes under the age of 18. The Prostitution Prevention and Suppression Act of 1996 made child prostitution illegal and provided for criminal punishments for those who use child prostitutes. Parents who allow a child to enter the trade also are punishable. The Government reported that it had convicted 36 parents under this clause in the first half of the year. The 1997 Prevention and Suppression of Trafficking in Women and Children Act increased the penalties for trafficking in women and children for the purposes of prostitution or slave labor, and provided for wide powers of search and assistance to victims. The authorities occasionally utilized these powers during the year, but the number of prosecutions remained minimal. A moneylaundering law became effective in August 1999 and included provisions to enable authorities to confiscate the assets of persons convicted of trafficking or engaging in the business of prostitution. NGO's and government agencies continued to provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry during the year. However, there continue to be credible reports that some corrupt police, military, and government officials are involved in trafficking (see Sections 1.c., 5, and 6.c.). There were no reported arrests of officials for trafficking during the year.

There were NGO reports of some women being forced into prostitution, usually in remote border areas but also in major cities. The accuracy of such reports and the numbers of persons involved are difficult to determine; however, coerced prostitution exists and is believed to involve women from hill tribes and women from neighboring countries. NGO's have reported that Burmese, Lao, Cambodian, and Chinese women continue to be trafficked, in some cases reportedly abducted, for prostitution. Vietnamese and Russian citizens also reportedly were trafficked to Thailand in smaller numbers. According to domestic NGO's, girls between the ages of 12 and 18 continued to be trafficked from Burma, southern China, and Laos to work in the commercial sex industry. Persons trafficked from China generally were in transit to other countries. Reportedly as many as 8,000 women were trafficked from Russia, Ukraine, and other former Soviet Republics for work in the sex industry in the country by year's end. This figure represents a substantial increase from 1999.

Because foreign women frequently are unable to speak the Thai language and are considered illegal immigrants, these women are vulnerable to physical abuse and exploitation. Some women are lured into the country with promises of jobs as waitresses or domestic helpers, but are forced to work as prostitutes. Illegal immigrants have no rights to legal counsel or health care if arrested (see Section 2.d.). The amnesty provisions available under UNHCR auspices do not apply to such women. In June 1999, a memorandum of understanding between the Government and several domestic NGO's provided for some detailed police procedures to ameliorate the problem of trafficked persons detained by the authorities. The agreement stated that the training of police officers would include instructions to treat such persons as victims

of human trafficking rather than as illegal immigrant workers. Rather than being deported, they become the responsibility of the Public Welfare Department.

The majority of prostitutes are not kept under physical constraint, but a large number work in debt bondage. Brothel procurers reportedly advance parents a substantial sum against their daughter's future earnings, frequently without the consent of the young woman involved. The women are then obligated to work in a brothel to repay the loan.

Thai women also are trafficked to other countries to work in the sex trade. Many Thai women are enticed to work in Japan with offers of lucrative legitimate employment, only to be forced into the sex industry upon their arrival; many others reportedly know that they will work in the sex trade. However, since trafficked women virtually always are misled or lied to by the agents who convince them to leave Thailand, whether or not they understand the nature of the work in which they are to be engaged, they generally do not understand the debts that they will be forced to repay, the amount of time it will take to repay the debts, or the conditions of employment to which they will be subjected to upon arrival. According to Human Rights Watch, the passports of Thai women trafficked to work in "dating" bars usually are confiscated by their "employers," who also demand repayment for the cost of their "purchase." Typically they are charged \$25,000 to \$40,000 (3 million to 5 million yen; 1.1 million to 1.7 million baht); their living expenses and expenses for medical care (when provided by the employer) and other necessities, and "fines" for misbehavior are added on to the original "debt" over time. How the "debt" is calculated is left to employers; the process is not transparent, and employers reportedly often use the "debt" to coerce additional unpaid labor from trafficked women. Employers also may "resell" or threaten to "resell" troublesome women or women found to be HIV positive, thereby increasing the debt that they must repay and possibly worsening their working conditions. In order to repay the "debts" they incur, trafficked women often must work long hours (often with no days off) for several months, essentially without pay. Many women are not allowed to refuse clients, even those known to be physically abusive. Most Thai women trafficked into the sex trade have their movements strictly controlled by their "employers" while they work off their debt, and are threatened with reprisals, perhaps through members of organized criminal groups, to themselves or their families if they try to escape. Employers often isolate the women, subject them to constant surveillance, and use violence to punish them for disobedience. Most trafficked women also know that they are subject to arrest by Japanese authorities if found without their passports or other identification documents. Few speak Japanese well, making escape even more difficult.

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## TONGA

The Kingdom of Tonga consists of 169 small islands scattered over a wide area of the South Pacific. Most of the approximately 105,000 inhabitants are Polynesian. Tonga is a constitutional monarchy in which political life is dominated by the King, the nobility, and a few prominent commoners. The judiciary is independent.

The security apparatus is composed of the Tonga Defense Services (TDS) and a police force. The 430-man TDS force is responsible to and controlled by the Minister of Defense.

The economy is based primarily on the cultivation of tropical and semitropical crops. Demand for imported goods and products has led to a substantial trade deficit. This deficit has been offset largely by remittances from Tongans employed abroad, overseas aid, and, to a lesser degree, tourism.

The Government's human rights record was generally poor in several areas, and the principal human rights abuse remains severe restrictions on the right of citizens to change their government. A relatively small group of commoners vocally challenges the Constitution, arguing for a more representative and accountable government. At times the authorities infringed on freedom of speech and of the press. Some women suffer from domestic violence, and discrimination limits the opportunities available to women. There were some incidents of racial violence.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.



*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids torture and inhuman or degrading punishment or other such treatment, and there were no reports of such practices. Prison conditions are Spartan but in accordance with local living standards. Church representatives and family members are permitted to visit prisoners. No nongovernmental organizations (NGO's) attempted human rights monitoring visits to prisons, and the permissibility of such visits has not arisen.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution proscribes arbitrary arrest or detention and provides for the right to judicial determination of the legality of arrest; these provisions are observed in practice. There is no preventive detention, although there are no statutory limits to the length of time a suspect may be held prior to being charged. The law does not limit access by counsel and family members to detained persons.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The judiciary, whose top judges have been expatriates, is independent of the King and the executive branch.

The court system consists of the Supreme Court (which has original jurisdiction over all major cases), the police magistrates' courts, a general court, a court martial for the TDS, a court tribunal for the police force, and a court of review for the Inland Revenue Department. In addition the Court of Appeals, as the appellate court of last resort, is the highest court. The King's Privy Council presides over cases relating to disputes over titles of nobility and estate boundaries. The King has the right to commute a death sentence in cases of murder or treason.

The law provides for the right to a fair public trial, and the Government respects this in practice. A court may not summon anyone without providing the person a written indictment stating the offenses the person is accused of committing. Defendants are entitled to counsel, and lawyers have free access to defendants.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—By law and in practice, no one may enter or search the home of another or remove any item unless in possession of a warrant issued by a magistrate. Neither the State nor political organizations intrude arbitrarily into a person's private life.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, at times the authorities infringed on these rights.

There are two weekly newspapers (one of which is government owned) and one privately owned national magazine. There is one privately owned television station, and in July a government-owned station began broadcasting. The Government owns one AM and one FM radio station. Three FM stations (one purely religious) are run privately. While there is generally little editorializing in the government-owned media, opposition opinion appears regularly alongside government statements and letters. A privately owned newspaper, Kele'a, openly criticized the Government without interference. Defamation suits brought by government officials and other individuals against media outlets for allowing interviewees to voice allegedly defamatory remarks—which are permitted in some circumstances under the law—may have the practical effect of limiting freedom of speech. However, the national media from time to time carries comments critical of government practices and policies, including some made by prominent citizens.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. No person in recent memory has applied for refugee status, and the Government has not formulated a formal policy regarding refugees, asylees, or first asylum.

#### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens do not have the ability to change their leaders or the system of government. The King and 33 hereditary nobles dominate political life. They assert authority largely through control of substantial landholdings and their dominant numbers in the Legislative Assembly (Parliament). While the Constitution allows the mon-

arch broad powers, many of which do not require the legislative branch's endorsement, the King sometimes permits "the system" to operate without his guidance. The King appoints the Prime Minister and appoints and presides over the Privy Council (called the Cabinet when the King is not presiding), which makes major policy decisions. Currently the Cabinet is made up of nine ministers and two governors; it includes both nobles and commoners, who serve at the King's pleasure.

The unicameral legislature, the Legislative Assembly, consists of the Cabinet, nine nobles elected by their peers, and nine people's representatives elected by the general population. The King appoints the Speaker from among the representatives of the nobles. In January the King appointed his son, Prince Ulukalala Lavaka Ata, as Prime Minister. The new Prime Minister also holds five other ministerial portfolios, including those of defense and foreign affairs.

Cabinet members and nobles usually vote as a bloc; however, votes related to impeachment charges against a commoner member of the Cabinet demonstrated that nobles and people's representatives can override the Cabinet's wishes at times.

In recent years, a number of persons both inside and outside the establishment have called for democratic change, usually emphasizing the importance of more government accountability. Very few challenge the retention of the monarchy; the King is greatly respected. A prodemocracy movement continued, although it currently lacks formal structure due to differences of views among its leaders. All nine current people's representatives advocate various degrees of democratic reform. Proposals for constitutional revision tend to center on the popular election of all parliamentarians, with the parliamentarians then selecting their speaker.

Women are severely underrepresented in government and politics. There are no female Members of Parliament, although there have been in the past.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no legal barriers to the formation of local NGO's that concern themselves with human rights. Some local NGO's include among their interests human rights problems, although none undertakes investigations of alleged violations. No outside organizations are known to have made requests to investigate alleged human rights violations.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

Social, cultural, and economic facilities are available to all citizens regardless of race or religion. However, members of the hereditary nobility have substantial advantages. These include control over most of the land and a generally privileged status. Nonetheless, it is possible for commoners to rise to cabinet positions in government and to accumulate great wealth and status in the private sector.

*Women.*—Domestic violence seldom is publicized, but it is a problem. Incidents of wife beating generally are addressed in traditional ways within families or by village elders. Such abuse is seldom reported to the police. Abused wives sometimes return to their families if mediation fails.

The country is male dominated, and women generally occupy a subordinate role. For a woman to rise to a position of leadership, she usually needs to have the support of the nobility or to possess exceptional talent. The King's mother reigned for many years, and a royal princess is one of the country's most prominent businesspersons. Some female commoners hold senior leadership positions in business.

Some village women, with help from NGO's, led local development projects.

The Government has a women's unit in the Prime Minister's office. Although some NGO's initially viewed this unit with suspicion, it appeared to be functioning cooperatively with them. Many young, educated women still consider the unit to be ineffective. A government-sponsored National Council of Women is making positive contributions.

*Children.*—The Government is committed to children's human rights and welfare and provides commensurate funding for children's welfare within the context of the total resources available to the State. Child abuse, if it occurs, is rare and has not become a source of concern in a society where the extended family participates in child rearing.

Education has been compulsory since 1882. Although it is sometimes criticized as being of poor quality, education is provided for all children through Form 6 (high school). Compliance rates are good.

*People with Disabilities.*—No mandated provisions for accessibility to buildings and services for the disabled exist. There were no known complaints of discrimina-

tion in employment, education, or provision of other state services. The education of children with special needs has been a longstanding priority of the Queen.

*National/Racial/Ethnic Minorities.*—In June a member of the royal family commented publicly on what he called the country's "racially based land laws," and stated that a previous spate of violence against Chinese-owned shops was racially motivated. Late in the year, a local official announced that Chinese-owned stores were banned from his district on the western side of the country.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers have the right to form unions under the 1964 Trade Union Act, but to date no unions have been formed, presumably because of the small size of the wage economy and the lack of a perceived need for unions.

*b. The Right to Organize and Bargain Collectively.*—Since no unions have been formed, collective bargaining is not practiced. There is no legislation permitting and protecting collective bargaining or the right to organize. Labor laws and regulations are enforced in all sectors of the economy, including in the two small export enhancement zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced labor including forced and bonded labor by children, and it is not practiced.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Child labor is not used in the wage economy, although there is no legislation prohibiting it. The Government prohibits forced and bonded labor by children and enforces this prohibition effectively (see Section 6.c.).

Education has been compulsory since 1882, and it is provided for all children through Form 6 (high school).

*e. Acceptable Conditions of Work.*—There is no minimum wage law, although there are government guidelines for wage levels. Labor laws and regulations, enforced by the Ministry of Labor, Commerce, and Industry, limit the workweek to 40 hours. The Ministry of Labor enforced laws and regulations reasonably well in the wage sector of the economy, particularly on the main island of Tongatapu. Enforcement in agriculture and on the outer islands is limited by isolation.

Industrial accidents are rare, since few industries exist that would expose workers to significant danger. Due to these factors, little or no work has been done on industrial safety standards.

*f. Trafficking in Persons.*—The law does not specifically address trafficking; however, there were no reports that persons were trafficked to, from, within, or through the country.

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## TUVALU

Tuvalu, with a population of approximately 10,000 primarily Polynesian persons, occupies a land area of a little more than 10 square miles on 9 atolls in the central South Pacific. Independent since 1978, its Constitution provides for a Westminster-style parliamentary democracy. The Head of State is the British Queen, represented by the Governor General, who must be a Tuvaluan citizen. The judiciary is independent.

A 32-member police constabulary, the only security force, is responsible to and effectively controlled by civilian authority.

The primarily subsistence economy relies mainly on coconuts, taro, and fishing. With donor assistance, Tuvalu has developed a well-managed trust fund, which is supplemented by significant annual payments for use of its international telephone-dialing prefix. An agreement for use of the country's Internet address is expected to increase national revenues significantly. Remittances from Tuvaluans working abroad as well as the sale of postage stamps and of fishing licenses to foreign vessels provide additional foreign exchange. The country's isolation and meager natural resources limit the prospects for economic development.

The Government generally respected the human rights of its citizens, and society is generally egalitarian; however, social behavior, as determined by custom and tradition, is considered as important as the law, is ensured by village elders, and leads to some discrimination. In the traditional culture of the islands, women occupy a subordinate role, with limits on their job opportunities.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids torture and inhuman or degrading punishment, and there were no reported instances of such practices. Local hereditary elders exercise considerable traditional authority—including the seldom-invoked right to inflict corporal punishment for infringing customary rules, which can be at odds with the national law.

Prison facilities consist of several holding cells at the back of the police station. There have been no serious crimes within the memory of local officials. It is rare for a prisoner to spend as long as a week in a cell; more commonly, a person is incarcerated overnight because of drunkenness. While prison conditions are somewhat Spartan as regards to food and sanitation, complaints seem to be minimal or nonexistent.

Since there are no local human rights groups, the question of prison monitoring by them has not arisen. Visits by church groups and family members are permitted.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and it is free of governmental interference.

The judicial system consists of the higher courts: the Privy Council, the Court of Appeal, and the High Court; and the lower courts: the senior and resident magistrates, the island courts, and the land courts. The Chief Justice, who is also Chief Justice of Nauru, sits on the High Court about once a year.

The right to a fair public trial is ensured by law and observed in practice. The Constitution provides that accused persons must be informed of the nature of the offenses with which they are charged and be provided the time and facilities re-

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There have been no allegations of human rights violations by the Government and no known requests for investigations. While no known barriers block their establishment, there are no local nongovernmental organizations concerned with human rights.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination on the basis of race, creed, sex, or national origin, and the Government generally respects these prohibitions. However, the traditional culture has limited women's job opportunities.

*Women.*—Violence against women is rare. If wife beating occurs, it is infrequent and has not become a source of societal concern.

Women increasingly hold positions in the health and education sectors and also are more active politically.

*Children.*—The Government is committed to children's human rights and welfare and provides commensurate funding for children's welfare within the context of its total available resources. Education is compulsory for children from 6 through 13 years of age. There are no reports of child abuse.

In March a fire destroyed a girls' boarding school, with 17 fatalities. A government investigation is underway to ensure that no negligence occurred, and the Government undertook to improve safety standards at schools.

*People with Disabilities.*—Although there are no mandated accessibility provisions for the disabled, there are no known reports of discrimination in employment, education, or provision of other state services.

*Section 6. Worker Rights*

*a. The Right of Association.*—Workers are free to organize unions and choose their own labor representatives, but most of the population lacks permanent employment and is engaged in subsistence activity. The law provides for the right to strike, but no strike has ever been recorded.

In the public sector, civil servants, teachers, and nurses—who total less than 1,000 employees—are grouped into associations that do not have the status of unions. The only registered trade union, the Tuvalu Seamen's Union, has about 600 members, who work on foreign merchant vessels. Unions may affiliate with international bodies. The Seamen's Union is a member of the International Transportation Workers' Federation.

*b. The Right to Organize and Bargain Collectively.*—The 1978 Industrial Relations Code provides for conciliation, arbitration, and settlement procedures in cases of labor disputes. Although there are provisions for collective bargaining, the practice in the private sector is for wages to be set by employers. For both the private and public sectors, the legal procedures for resolving labor disputes are seldom used; instead, the two sides normally engage in nonconfrontational deliberations in the local multipurpose meeting hall.

Tuvalu is not a member of the International Labor Organization.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The 1978 Employment Law prohibits forced or compulsory labor, including by children, and there have been no reports of either being practiced.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Employment Law prohibits children under the age of 14 from working. Education is compulsory for children from 6 through 13 years of age. The law also prohibits children under 15 years of age from industrial employment or work on any ship and stipulates that children under the age of 18 years are not allowed to enter into formal contracts, including work contracts. Children rarely are employed outside the traditional economy. The Government prohibits forced and bonded labor by children and enforces this prohibition effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The minimum wage, set administratively by the Government, is sufficient to allow a worker and family in the wage economy to maintain a decent standard of living. The present biweekly minimum wage in the public (government) sector is \$67.60 (\$A130). This rate applies regardless of sex and age. In most cases, the private sector adopts the same minimum wage rate.

The Labor Office may specify the days and hours of work for workers in various industries. The workday by law is set at 8 hours. The majority of workers are outside the wage economy. The law provides for rudimentary health and safety standards. It requires employers to provide an adequate potable water supply, basic sanitary facilities, and medical care. Specific provisions of the law provide for the protec-

tion of female workers. The Ministry of Labor, Works, and Communications is responsible for the enforcement of these regulations, but it is able to provide only minimum enforcement.

*f. Trafficking in Persons.*—The law prohibits procurement within and across borders for purposes of prostitution, but does not specifically mention trafficking. However, there were no reports that persons were trafficked to, from, within, or through the country.

## VANUATU

Vanuatu, a small South Pacific island nation of approximately 183,000 persons that was ruled jointly by Britain and France as the Condominium of New Hebrides prior to its independence in 1980, has a parliamentary form of government: The 52-member Parliament elects the Prime Minister, as the Head of the Government and the President who is the Head of State. The latter's powers are largely ceremonial, except when acting on the advice of the Council of Ministers. Political legitimacy is based on majority rule. The courts normally are independent of executive interference.

The civilian authorities control the small police force and its paramilitary wing, the Vanuatu Mobile Force (VMF). Under current regulations, the police commissioner commands the entire force, including the VMF.

Subsistence farming and fishing are the principal livelihood for more than 80 percent of the population. There is also some production of cash crops including copra, and cocoa, as well as cattle farming. The service sector provides most formal employment, primarily in government, tourism, and an offshore financial center, and represents the largest component of the country's gross domestic product.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Poor prison conditions, an extremely slow judicial process, and violence and discrimination against women were the major problems.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Constitutional provisions against torture and cruel, inhuman, or degrading treatment usually are observed in practice and enforced by the courts.

In November 1999, based on a lack of evidence, the presiding magistrate dismissed the case against 18 police officers charged with intentional assault of rioters in Port Vila in January 1998. At year's end, a Supreme Court review of the decision was pending.

Prison conditions are poor. The central prison in Port Vila is dilapidated and not reliably secured. There are approximately 40 prisoners, all men. Inmates are treated humanely, to the extent allowed by the meager resources of the prison service.

The Government permits prison visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and there were no reports of such arrests. Arrest is by warrant.

The constitutional provision that suspects must be informed of the charges against them and given a speedy hearing before a judge is observed in practice.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the courts are normally free of military or executive interference. However, in 1996 the Government dismissed the foreign Chief Justice prior to the end of his appointment. In 1998 the Acting Chief Justice, who argued that his predecessor's dismissal constituted unconstitutional interference with the judiciary, sponsored a "joint declaration" of judges and magistrates on "the basic principles on the independence of the judiciary" to remind the executive branch of the principle of judicial independence. There were no reports of interference with the judiciary by the present Government.

Magistrates' courts deal with most routine legal matters. There is also a Supreme Court, and above the Supreme Court an Appeals Court with three judges, two of whom are appointed by the President and chosen from among Supreme Court judges in other South Pacific nations as required.

The judicial system is based on British law. The courts uphold constitutional provisions for a fair public trial, a presumption of innocence until guilt is proven, a prohibition against double jeopardy, a right of judicial determination of the validity of arrest or detention, and a right of appeal to an appellate court.

Judges, prosecutors, and the police all complain about large backlogs of cases in the courts due to a lack of resources. For example most of the members of the VMF accused of kidnaping public officials in the course of a mutiny in 1996 still are awaiting trial. Procedures were changed during the year to allow the public prosecutor to present new cases to the magistrates more frequently, but the limited number of qualified judges and prosecutors remains a serious problem.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—There were no reports of arbitrary interference with privacy, family, home, or correspondence.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respected these provisions in practice.

The Government controls much of the country's media, including a weekly newspaper, one AM and one FM radio station, and a limited-service television station confined to the capital, Port Vila, which provides English and French news service three times a week. There is one independent newspaper published semiweekly and another weekly newspaper published by a political party.

Throughout the year, both the government-owned and the independent press reported criticisms of political leaders freely and apparently without hindrance. Some individual politicians and their supporters are sensitive to public criticism and sometimes threatened the media, but without any apparent effect on press freedom. Correspondents for international media also are allowed to report without interference.

The Government respects academic freedom. Vanuatu has three institutions of higher education—a teachers college, an agricultural school, and an annex of the University of the South Pacific.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedoms of assembly and association, and the Government respects these rights in practice. Permits must be obtained to hold public demonstrations and rallies; they are granted routinely.

The Government does not restrict the formation of political parties or other groups.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government respected it in practice. Missionaries of various Christian denominations work without restriction. The 1995 Religious Bodies Act, which requires religious organizations to register with the Government, was never signed by the President and was never enforced, although some churches registered under the act voluntarily. Although the act has not been repealed by Parliament, and technically remains in force, it remains dormant and its constitutionality is in question.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—All citizens are free to travel internally and to leave and return to the country without restrictions.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum has never arisen.

## *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides for parliamentary elections every 4 years, through which citizens can freely change their government. Parliamentary majorities have been unstable, with legislators spending much time and energy accumulating support for votes of confidence. The last national elections were held in March 1998. In November 1999, Barak Sope of the Melanesian Progressive Party assembled a parliamentary majority and formed the Government.

Outside observers consider the 1998 elections to have been generally free and fair. A total of 216 candidates contested 52 seats. Voter turnout was 63.6 percent.

Women are underrepresented in government and politics. Traditional attitudes, in which men are dominant and women frequently are limited to customary family roles, hamper women from taking a more active role in economic and political life. Six women, including the sole sitting female member, ran for Parliament in 1998; none were elected.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no restrictions on the formation of local human rights organizations. Some nongovernmental organizations (NGO's), such as the National Council of Women and the Family Health Association, include human rights education as part of their programs.

A new Ombudsman's Act was passed by Parliament in November 1998 in the wake of parliamentary anger over vigorous investigations of corruption by the Ombudsman under the previous act. Among other provisions it requires that members of the Ombudsman's staff be appointed by the Public Service Commission rather than by the Ombudsman and that persons interviewed by the Ombudsman may have legal representation present at the interview.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for fundamental rights and freedoms for all persons and prohibits discrimination on the basis of race, place of origin, religious or traditional beliefs, political opinions, language, or sex; however, women remain victims of discrimination in this tradition-based society.

*Women.*—Violence against women, particularly wife beating, is common, although no accurate statistics exist. Courts occasionally prosecute offenders using common law assault as a basis for prosecution, since there are no specific laws against wife beating. However, most cases of violence against women, including rape, go unreported because women, particularly in rural areas, are ignorant of their rights or fear further abuse. In addition police are frequently reluctant to intervene in what are considered to be domestic matters.

While women have equal rights under the law, they are only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to childbearing. During the year, in the course of a downsizing in the public service, a disproportionate number of women's positions were abolished. Policies to guide the Department of Home Affairs in protecting and furthering the rights of women currently are being drafted under the Government's reform program.

The majority of women enter into marriage through "bride-price payment," a practice that encourages men to view women as property. Women also are inhibited by tradition from owning land, and at least one women's advocate believes this limitation underpins their secondary status. Many female leaders view village chiefs as a major obstacle to attaining social, political, and economic rights for women. Women interested in running for public office get encouragement and help from an NGO, Vanuatu Women in Politics (VANWIP). Four of the six women who ran for Parliament in the 1998 election ran under the VANWIP banner.

*Children.*—Although the Government has made education a priority, access to education is limited, and school attendance is not compulsory. Children are protected within the traditional extended family system. Members of the extended family, particularly paternal uncles, play an active role in a child's development. As a result, virtually no children are homeless or abandoned. NGO's and law enforcement agencies report increased complaints of incest and rape of children, although no statistics are available.

*People with Disabilities.*—There is no known governmental or national policy on the disabled and no legislation mandating access for them. Their protection and care is left to the traditional extended family and to voluntary NGO's. Due to high rates of unemployment, there are few jobs available for the disabled.

*National/Racial/Ethnic Minorities.*—Most of the population is made up of Melanesians. Small minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans generally are concentrated in two towns and on a few plantations. Most of the land belongs to indigenous tribes that inhabit it, and it cannot be sold, although it sometimes is leased to others. However, within the limits of this system of land tenure, there were no reports of discrimination against noncitizens. There is no evidence to suggest a pattern of ethnic discrimination in the provision of the limited basic services that the Government provides.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to organize unions.

Approximately 25,000 persons participate in the formal economy as wage earners. There are five trade unions. The unions are grouped under an umbrella organization, the Vanuatu Council of Trade Unions (VCTU). The trade unions are independent of the Government.



The high percentage of the population still engaged in subsistence agriculture and fishing deters extensive union activity. In addition membership in the Vanuatu Public Servants Union fell dramatically following the Government's wholesale dismissal of hundreds of full-time public servants during a protracted general strike in 1994. The Supreme Court in 1994 ruled that the union had not complied with its own rules when it undertook the general strike and declared the strike illegal. Combined union membership in the private and public sectors is approximately 1,000.

The law prohibits retribution if a strike is legal. In the case of private-sector employees, violations would be referred to the Labor Department for conciliation and arbitration. In the public sector, the Public Service Commission would handle violations.

In 1995 Parliament passed a law requiring unions to give 30 days' notice of intent to strike, with a list of the names of intending strikers.

There was no significant strike activity during the year.

Unions may not affiliate with international labor federations without government permission. The VCTU is a member of the International Confederation of Free Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—Unions exercise the right to organize and bargain collectively. Labor unions negotiate wages and conditions directly with management. If the two sides cannot agree, the matter is referred to a three-member arbitration board appointed by the Minister of Home Affairs. The board consists of one representative from organized labor, one from management, and the senior magistrate of the magistrate's court. While a dispute is before the board, labor may not strike and management may not dismiss union employees. However, unions and management generally reach agreement on wages without having to refer the matter to arbitration. Complaints of antiunion discrimination are referred to the Commissioner of Labor. While the law does not require union recognition, once a union is recognized, it does prohibit antiunion discrimination.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including forced and bonded labor by children, and there were no reports that either adults or children were subject to forced, bonded, or compulsory labor.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits children under 12 years of age from working outside of family-owned agricultural production, where many children assist their parents. There were no reports of forced or bonded labor by children, which is prohibited by law (see Section 6.c.). The employment of children from 12 to 18 years of age is restricted by occupational category and conditions of labor, that is, restrictions on employment in the shipping industry and on nighttime employment. The Labor Department effectively enforces these laws.

*e. Acceptable Conditions of Work.*—A legislated minimum wage is enforced effectively by the Labor Department. Since 1995 it has been a flat rate of approximately \$143 (16,000 vatu) per month for both urban and rural workers. The minimum wage does not support an urban family living entirely on the cash economy. Most families are not dependent solely on wages for their livelihoods.

Various laws regulate benefits such as sick leave, annual vacations, and other conditions of employment, including a 44-hour maximum workweek, with at least one 24-hour rest period weekly. An Employment Act, enforced by the Labor Department, includes provisions for safety standards. However, the 1987 safety and health legislation is inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing, and the single inspector attached to the Labor Department is hard pressed to enforce the act fully. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

*f. Trafficking in Persons.*—The Constitution does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

## VIETNAM

The Socialist Republic of Vietnam is a one-party state, ruled and controlled by the Vietnamese Communist Party (CPV). The CPV's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensure the primacy of party Politburo guidelines and enable the Party to set the broad parameters of national policy. In recent years, the party has reduced gradually its for-

mal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remains subject to party direction; however, the Government made progress in strengthening the capacity of the 450-member National Assembly and in reforming the bureaucracy. The National Assembly, chosen in elections in which most candidates are approved by the Party (only about 85 percent of delegates are party members) played an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency. The Assembly was more active in revising legislation, criticizing officials' performance, screening ministerial and other senior candidate appointments, and dismissing senior officers. The judiciary remains subservient to the CPV and to external pressure and influence by the Government.

The military services, including the border defense force, are responsible for defense against external threats. The military forces are assuming a less prominent role as the ultimate guarantor of internal security, which is primarily the responsibility of the Ministry of Public Security (MPS). However, in some remote areas, the military forces are the primary government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. The Government continued to restrict significantly civil liberties on grounds of national security and societal stability. The MPS controls the police, a special national security investigative agency, and other units that maintain internal security. It enforces laws and regulations that significantly restrict individual liberties and violate other human rights. It also maintains a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities. However, this system has become less obvious and pervasive in its intrusion into most citizens' daily lives. Members of the public security forces committed human rights abuses.

Vietnam is a very poor country of 79 million persons undergoing transition from a centrally planned to a market-oriented economy. Estimated annual gross domestic product (GDP) per capita is \$375, continuing an improving trend through the 1990's. While the Asian financial crisis caused a significant slowdown, with trade and foreign investment declining markedly, economic growth officially was estimated at 6.7 percent in 2000. Agriculture, primarily wet rice cultivation, employs 70 percent of the labor force, and accounts for 24 percent of total output. Industry and construction contribute 34 percent, while services account for 42 percent. Disbursed official development assistance in 1999 was \$970 million, roughly 4 percent of GDP. Particularly in Ho Chi Minh City and Hanoi, economic reforms have raised the standard of living and reduced party and governmental control over, and intrusion into, citizens' daily lives. Reforms have created a popular expectation in urban areas of continued social, legal, educational, and physical improvements. For many large rural populations close to larger cities, this is also true. However, many citizens in isolated rural areas, especially members of ethnic minorities in the northern uplands, central highlands, and the north central coastal regions continue to live in extreme poverty. Gains from agricultural reform in recent years have improved the lives of many farmers, but the rural poverty level is approximately 30 percent.

The Government's human rights record remained poor; although there was some measurable improvement in a few areas, serious problems remain. The Government continued to repress basic political and some religious freedoms and numerous abuses by the Government continue. Although the CPV continued its efforts to strengthen the mechanism for citizens to petition the Government with complaints, the Government continued to deny citizens the right to change their government. Prison conditions remain harsh, particularly in some isolated provinces. Police sometimes beat suspects during arrest and arbitrarily arrested and detained citizens, including detention for peaceful expression of political and religious views. The judiciary is not independent, and the Government denied some citizens the right to fair and expeditious trials. The Government continued to hold a number of political prisoners. Several political and religious prisoners were freed in two general amnesties during the year: journalist and poet Nguyen Ngoc Tan, Catholic priest Mai Huu Nghi, and Hmong Protestant minister Vu Gian Thao in April and Cao Daiist Le Kim Bien and Protestant house church leader Nguyen Thi Thuy in September. The Government restricts citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens continued. The Government significantly restricts freedom of speech, the press, assembly, and association. The Government continued its longstanding policy of not tolerating most types of public dissent; however, it made exceptions in some instances. For example, a number of persons continued to circulate letters that were highly critical of senior leaders and called for political reform; these authors were subjected to close surveillance by public security forces. The Government allowed citizens somewhat greater free-

dom of expression and assembly to express grievances, including by delegates in the National Assembly, citizens in local forums with delegates, and small groups of protesters outside government offices. In Ho Chi Minh City, Hanoi, and other cities, several "sit-in" demonstrations, some involving dozens of protesters camped in front of government buildings for weeks at a time, were permitted. In Ho Chi Minh City, the Government stopped such demonstrations late in the year. The Government prohibits independent political, labor, and social organizations; such organizations exist only under government control. The Government restricts freedom of religion and significantly restricts the operation of religious organizations other than those entities approved by the State. Dissident groups of Buddhists, Hoa Hao, and Protestants, in particular, faced harassment by authorities. In June a festival gathering of up to 300,000 Hoa Hao in An Giang province took place with official permission, and in August an estimated 100,000 Roman Catholics attended the annual La Vang pilgrimage. The Government imposes some limits on freedom of movement. The Government does not permit local private human rights organizations to form or operate. Violence and societal discrimination against women remained problems. Child prostitution is a problem. Government and societal discrimination against some ethnic minorities is a continuing problem. The Government restricts worker rights, such as freedom of association, although the Government is cooperating with the International Labor Organization (ILO) and international donors to improve implementation of provisions of the Labor Law. Child labor is a problem. There were reports that children worked in exploitative situations and that prisons required inmates to work for little or no pay. Trafficking in women and children for the purpose of prostitution within the country and abroad continued to be serious problems, and there were reports of the trafficking of women to mainland China and Taiwan for arranged and forced marriages. The Government made efforts to combat these problems.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no known politically motivated killings. Little information was available on the extent of deaths in police custody or on official investigations into such incidents.

There were no reports of deaths of inmates due to prison conditions during the year.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits physical abuse; however, police beat persons, including suspects during arrests, and also beat street children in their attempts to get them off the streets. There were no known reports of torture of detainees. Little information is available on the extent of police brutality during interrogations.

Prison conditions are harsh. Conditions generally did not threaten the lives of prisoners. There were no reported differences in male and female death rates in prison. Overcrowding, insufficient diet, and poor sanitation remained serious problems. Prison guards sometimes treat prisoners badly and frequently beat them. Solitary confinement is a problem. Conditions in pretrial detention reportedly were particularly harsh, and there were credible reports that authorities sometimes denied inmates access to sunlight, exercise, and reading material. The pretrial detention system provides few amenities. Prisoners who await trial and remain "under investigation" sometimes experience harsher conditions than those convicted and sentenced. After trial, a prisoner is sent to a different location, and conditions often improve in instances in which a prisoner has money.

Most prisoners had access to basic health care and, for those with money, to supplemental food and medicine. However, some political and other prisoners were denied visitation rights, and there were reports that some prisons required inmates to work for little or no pay (see Section 6.c.). Prisoners sentenced to hard labor complained that their diet and medical care were insufficient to sustain health, especially in remote, diseaseridden areas. There were credible reports that three political and religious prisoners with serious medical conditions are held under harsh conditions in remote prisons, such as Xuan Loc prison z30a in an isolated part of Dong Nai province, with limited medical care.

The Government did not permit independent monitoring of its prison and detention system.

*d. Arbitrary Arrest, Detention, or Exile.*—The Government continued to arrest and detain citizens arbitrarily, including arrest and detention for the peaceful expression of their political and religious views. The Criminal Procedure Code provides for various rights of detainees, including time limits on pretrial detention and the right

of the accused to have a lawyer present during interrogation; however, in practice the authorities often ignored these legal safeguards. Moreover, a directive on administrative detention gives security officials broad powers if they believe that a suspect is a threat to "national security."

A revised Criminal Code came into effect on July 1 and with it a number of amendments to the Criminal Procedure Code to conform to the new code. The Criminal Procedure Code was amended to shorten the time for investigations and reinvestigation. It also places more strict limits (12 months) on the time allowed for the procuracy to end its investigation, and allows less time for the judge's panel to rule on a case. By shortening investigation and trial time, the procedure code also limits the time in which officials can interfere in the investigation process. Prior to formal charge, a detainee has a statutory right to contact with an attorney or to notify family members. However, in most cases, police inform family of the person's whereabouts.

The Government continued to utilize its 1997 decree on "administrative detention," which gives authorities extremely broad powers to place persons under surveillance and to monitor citizens closely. Government officials refer to this decree as the "administrative probation" decree. The decree allows the MPS to detain a person without trial. The regulations define administrative detention as an administrative penalty imposed on persons over the age of 18 who break the law and violate national security, as determined by the definition of crimes in the Criminal Code, but whose offenses are not yet at the level that warrants "criminal responsibility." The detention can last from 6 months to 2 years; persons under administrative detention must live and work in designated places, and remain subject to the "management and education of the local administration and people." The MPS is the lead agency in implementing the decree and uses these measures mainly against suspected political dissidents.

To put someone on probation, the chairperson of a district people's committee first collects dossiers on the persons recommended for detention, then submits the dossiers to the chairperson of the Provincial People's Committee for a final decision. The district police, people's committees, wards, and townships all help collect information for the dossier. The dossier includes a person's curriculum vitae, his or her past criminal record, as well as any comments from the people's committee, the Fatherland Front, and the district police. The chairperson of the Provincial People's Committee uses the information to make a final decision on the detention. The Government claims that the decree's restriction on movement does not constitute a detention, but merely puts a person on probation; however, by limiting a person's movement to his or her residence, and allowing travel outside that area only with government approval, the measure effectively constitutes detention without the benefit of trial.

The Supreme People's Procuracy approves the issuance of arrest warrants, but law enforcement officials appear able to arrest and incarcerate persons without presenting arrest warrants. Once arrested, detainees often are held for periods of up to 1 year without formal charges or trial. In general time spent in pretrial detention counts toward time served upon conviction and sentencing.

The MPS prohibits contact between a detainee and his lawyer as long as the procurator's office is investigating the case, which may be up to 1 year. In April police in Dalat confiscated the computer and writing materials belonging to dissident writer Ha Sy Phu (Nguyen Xuan Tu). Ha was required to remain in his home during investigation, although he was not charged with any crime by year's end. He remained isolated from outside contact throughout this period.

Persons arrested for the peaceful expression of views opposed to official policy were subject to charge under any one of several provisions in the Criminal Code that outlaw acts against the state.

At year's end, 3 Cao Dai believers remain imprisoned. In March An Giang province police detained eight Hoa Hao believers and blocked roadways and waterways to forestall incidents in connection with the death anniversary of the group's founder (see Section 2.c.).

Prisoners who are "under investigation" sometimes experience harsher conditions than those who have been convicted and sentenced to prison terms (see Section 1.c.). No official statistics are available on the percentage of the prison population that consists of pretrial detainees or the average period of time that such detainees have been held.

It is difficult to determine the exact number of political detainees, in part because the Government usually does not publicize such arrests and because the Government does not consider these persons to be detained for political reasons.

The Government continued to isolate certain political and religious dissidents by placing restrictions on the movements of some dissidents and by pressuring the sup-

porters and family members of others. For the past 6 years, Thich Huyen Quang, the Supreme Patriarch of the banned Unified Buddhist Church of Vietnam (UBCV), has been at a pagoda in Quang Ngai province under conditions resembling administrative detention. From 1981 until 1994, he was held at another pagoda in that province. In March 1999 he was visited by senior UBCV leader Thich Quang Do for the first time in 18 years, but after 3 days of meetings both were held for questioning by police, and Thich Quang Do was escorted by police to his pagoda in Ho Chi Minh City. Thich Huyen Quang has confirmed that he must request permission before leaving the pagoda and is not allowed to lead prayers or participate in worship activities as a monk. He is able to receive visits from sympathetic monks and lay person supporters relatively frequently. After meeting with him, visitors often are questioned by police. Thich Huyen Quang has called for the Government to recognize the UBCV. Government officials reportedly suggested that he move to Hanoi, where more modern medical facilities are available, but he has refused (see Section 2.c.).

Dissident Nguyen Dan Que and his family members in Ho Chi Minh City continued to be questioned by police. Their telephone service continued to be suspended periodically, and the family's Internet account was cut off following the publication abroad of several of his writings critical of the Government.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for the independence of judges and jurors; however, in practice the Party controls the courts closely at all levels, selecting judges primarily for their political reliability. Constitutional safeguards are significantly lacking. Credible reports indicate that party officials, including top leaders, instruct courts how to rule on politically important cases. CPV and government officials may exert influence over court decisions by pressuring both the lay assessors and the judges who sit on a panel together to decide cases. The CPV has strong influence over high-profile cases, or in cases where a person is charged with challenging or harming the CPV or the State. The National Assembly votes for judicial candidates that are presented by the President for Supreme People's Court (SPC) president and Supreme People's Procurator. The National Assembly also controls the judiciary's budget, including judges' salaries, while the executive branch pays judges' salaries at the local level. By contrast the procuracy, also a separate branch that reports to the National Assembly, has a unified line of command and controls its own budget. The President appoints all other judges.

The system of appointing judges and lay assessors also reflects the lack of judicial independence. Court panels at all levels include judges and lay assessors. However, while lay assessors help decide cases, they have no legal training. District and provincial people's councils appoint the lay assessors at the lower levels. The standing committee of the National Assembly appoints and discharges the SPC lay assessors. The Fatherland Front must approve candidates for SPC lay assessors. The President appoints the District People's Council and Provincial People's Council judges to 5-year terms. The President also appoints SPC judges at the suggestion of the central selection council. The CPV's influence over the courts is amplified both because the people's councils appoint the lay assessors, and because the judges serve limited terms and are subject to review.

The judiciary consists of the Supreme People's Court, the local people's courts, military tribunals, and other tribunals established by law. Each district throughout the country has a district people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province has a Provincial People's Court, which serves as the appellate forum for district court cases, as well as courts of first instance for other cases. The SPC is the highest court of appeal and review. The Ministry of Justice administers most district and provincial courts, and the National Assembly administers the SPC. The judiciary also includes military tribunals, economic courts, labor courts, and administrative courts that resolve disputes in those specialized fields. Administrative courts deal with complaints by citizens about official abuse and corruption. The economic and administrative courts have addressed few cases since their creation in 1994 and 1995, respectively. Local mass organizations, such as those under the Fatherland Front, are empowered to deal with minor breaches of law or disputes. In addition the CPV and Government have set up special committees to help resolve local disputes.

The Supreme People's Procuracy has unchecked power to bring charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more people's jurors (lay judges), determines guilt or innocence and also passes sentence on the convicted. The relevant people's council appoints people's jurors, who are required to have high moral standards but need not have legal training. The legal institutional framework and legal culture, which favor the procuracy over the judiciary and preserve a presumption of guilt in criminal cases,

constitute a major obstacle to free and fair trials. Although the Constitution asserts that citizens are innocent until proven guilty, in practice this principle often is ignored. A Western legal expert who analyzed the court system during the year found that more than 95 percent of the persons who are charged with a crime are convicted.

Many judges and other court officials lacked adequate legal training, and the Government conducted training programs to address this problem. A number of foreign governments and the United Nations Development Program provided assistance to the Government to strengthen rule of law and develop a more effective judiciary. However, the lack of openness in the judicial process and the continuing lack of independence of the judiciary undermined the Government's efforts to develop a fair, effective judicial system.

The July Criminal Code amendments define crime more precisely than the 1999 code. The new code provides two or three levels of punishment for each crime, depending on the crime's seriousness and circumstances. The new code provides punishment brackets for a larger percentage of the crimes; less than 10 percent have no punishment bracket at all. The changes were intended to discourage abuse by law enforcement officials, allow courts to render verdicts and punishments more appropriate to the particular offense, hinder arbitrary sentencing by judicial panels, and allow crime to be punished more uniformly.

There is a shortage of trained lawyers and judges and no independent bar association. At the Supreme Court level, there is a 10 to 20 percent shortage of qualified judges; at the provincial level, the shortage ranges from 30 to 40 percent, according to a U.N. official. Low salaries hinder development of a trained judiciary. The few judges who have formal legal training often have studied abroad in countries with Socialist legal traditions and are slow to change. Young educated judges have little influence within the system.

Although the Constitution provides for legal counsel for persons accused of criminal offenses, the scarcity of lawyers makes this provision impossible to enforce. With few qualified attorneys, the procurator often handles both the prosecution and the defense. With so few lawyers and so many defendants, legal counsel frequently is of little help to the defendant. Consistent with its Marxist-Leninist political system, the Government requires that the Vietnamese Bar Association be a subordinate part of the Vietnam Fatherland Front (VFF), the mass front organization controlled by the Communist Party. At the provincial level, the Bar Association is subordinate to representatives of the central Government, the VFF, the provincial people's council, and people's committee.

Trials generally are open to the public; however, judicial authorities sometimes closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trial and to have a lawyer. The defendant or the defense lawyer have the right to cross-examine witnesses. However, in political cases, there are credible reports that defendants are not allowed access to government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Little information is available on the extent to which defendants and their lawyers have time to prepare for trials. Those convicted have the right to appeal.

The December 1999 conviction of Nguyen Thi Thuy, a Protestant house church leader in Phu Tho province sentenced to 1 year in prison for "interfering with an officer doing his duty," was upheld on appeal despite claims by her defense lawyer that she had been arrested for her religious activities. She was released in September in a national prisoner amnesty.

The Government continued to imprison persons for the peaceful expression of dissenting religious and political views. There are no reliable estimates of the number of political prisoners, in part because the Government usually does not publicize such arrests, and sometimes conducts closed trials and sentencing sessions. Amnesty International stated that there are more than 20 prisoners sentenced for political reasons. Other sources estimated that as of October there were up to 150 political prisoners. However, many of the names included on these lists are difficult to verify. The number of confirmed political prisoners is much lower than the number publicized. For example, one prisoner released in April from Xuan Loc prison z30a in Dong Nai province circulated a list of 55 persons whom he described as political prisoners. While this report may be credible, there is not sufficient identification or information about these persons to confirm that they are in fact political prisoners. The Government claims that it does not hold any political and religious prisoners and that persons described as political prisoners were convicted of violating national security laws.

A total of more than 15,000 prisoners reportedly were granted amnesty during the year or released from their sentences early for good behavior. In April journalist and poet Nguyen Ngoc Tan was released. Most of those released were common criminals.

Among those believed to be imprisoned at year's end for peaceful political activities are: Political activists Nguyen Dinh Huy and Pham Hong Tho, Truong Van Thuc, Nguyen Chau Lan, Tran Van Be Cao, Tran Nguyen Hon, and Le Van Mong.

No current information is available concerning imprisoned dissidents Nguyen Van Thuan and Le Duc Vaong who were arrested in 1998.

The Government does not allow access by humanitarian organizations to political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right to privacy of home and correspondence; however, the Government restricts this right significantly. It operates a nationwide system of surveillance and control through household registration and block wardens who use informants to keep track of individuals' activities. The authorities continued to monitor citizens but with less vigor and thoroughness than in the past. The authorities largely focused on persons whom they regarded as having dissident views or views critical of the Government, or whom they suspected of involvement in unauthorized political or religious activities. Citizens formally are required to register with police when they leave home, remain in another location overnight, or when they change their residence (see Section 2.d.). However, these requirements rarely are enforced; many citizens move around the country to seek work or to visit family and friends without being monitored closely, and many families who sought employment moved to other locations without prior government permission. However, there were reports that some "spontaneous migrant" families have been unable to obtain household registration or residence permits in their new locations, causing them serious legal and administrative problems. In urban areas, most citizens were free to maintain contact and work with foreigners, but police questioned some individual citizens and families of citizens with extensive or close relations with foreigners. The Government also exerts control over citizens who work for foreign organizations by requiring that citizens be screened and hired through a government service bureau. However, many foreign organizations hire their own personnel and only "register" them with the service bureau.

The Government opened and censored targeted persons' mail, confiscated packages, and monitored telephone, electronic mail, and facsimile transmissions. However, this practice appears sporadic and is not applied consistently. Citizens' membership in mass organizations remained voluntary, but often is important for career advancement. Membership in the CPV remains an aid to advancement in the Government or in state companies and is vital for promotion to senior levels of the Government. At the same time, diversification of the economy has made membership in CPV-controlled mass organizations and the CPV less essential to financial and social advancement.

Groups of protesters in Ho Chi Minh City claimed that local officials compensated them inadequately for land that the Government seized for various public purposes. The protesters had come from several Mekong Delta provinces and from Ho Chi Minh City.

The Government continued to implement a family planning policy that urges all families to have no more than two children; this policy emphasizes exhortation rather than coercion. In principle the Government can deny promotions and salary increases to government employees with more than two children, and local regulations permit fines based on the cost of extra social services incurred by a larger family. These penalties rarely are enforced. There is anecdotal evidence that party members are more likely to be penalized than nonparty members.

Foreign language periodicals are widely available in cities. The Government occasionally censors articles about the country in periodicals that are available for sale.

The Government monitors e-mail, searching the text for sensitive key words, and regulates Internet content (see Section 2.a.).

By law access to satellite television was limited to top officials, foreigners, luxury hotels, and the press. The law was not enforced uniformly, and some persons in urban and rural areas have access via home satellite equipment. The Government generally did not limit access to international radio; however, it jammed Radio Free Asia.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government significantly restricts these freedoms, especially concerning political and religious subjects. Reporters and editors practice self-censorship concerning sensitive subjects. A new press law, passed by the National Assembly in May 1999, provides for monetary damages to be paid by journalists to individuals or organizations who are harmed by reporting, regardless of whether the reports are true or false. This law poses a threat to investigative re-

porting. For example, in September the Capital Youth newspaper in Hanoi was sued by the Haiphong Agricultural Materials and Transport Company for harming its prestige with a series of investigative articles about the company's operations. The case had not gone to trial by year's end. Several media continued to test the limits of government press restriction by publishing articles that criticized actions by party and government officials; however, the freedom to criticize the Communist Party and its highest leadership remains restricted.

Both the Constitution and the Criminal Code include broad national security and antidefamation provisions that the Government used to restrict such freedoms severely. The Party and Government tolerate public discussion and permit somewhat more criticism than in the past. In December 1999, the Government established a mechanism for citizens to petition the Government with complaints. Citizens could and did complain openly about inefficient government, administrative procedures, corruption, and economic policy. However, the Government imposed limits in these areas as well. Senior government and party leaders traveled to several provinces to try to resolve citizen complaints.

The Government requires journalists to obtain approval from the Ministry of Culture and Information before providing any information to foreign journalists.

Retired general and war hero Tran Do was expelled from the Communist Party in January 1999 after he refused to cease circulating writings critical of the party and the Government. Friends of Tran Do reported that they were able to visit him in his home, and police surveillance of him lessened by mid-year.

The Government continued to prohibit free speech that strayed outside narrow limits to question the role of the party, criticize individual government leaders, promote pluralism or multiparty democracy, or question the regime's policies on sensitive matters such as human rights. The few persons who dared to speak out on these matters in recent years, such as Nguyen Dan Que and Thich Quang do, were subjected to periodic questioning and close monitoring by security officials. There continued to be an ambiguous line between what constituted private speech about sensitive matters, which the authorities would tolerate, and public speech in those areas, which they would not. Several authors whose works attracted official censure in past years continued to be denied permission to publish, to speak publicly, or to travel abroad. Security forces continue to harass novelist Duong Thu Huong intermittently, and authorities would not allow her to travel abroad. However, Huong is allowed to meet with some foreigners and Vietnamese colleagues. Some persons who express dissident opinions on religious or political issues also are not allowed to travel abroad (see Section 2.d.).

The Party, the Government, and party-controlled mass organizations controlled all print and electronic media. The Government exercises oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship in the domestic media. With apparent party approval, several newspapers published reports during the year on highlevel government corruption and mismanagement as well as sometimes-heated debate on economic policy. The Government occasionally censors articles about the country in foreign periodicals that are sold in the country. The Government generally did not limit access to international radio, except to Radio Free Asia, which it jammed (see Section 1.f.). In July thousands of explicit comic books imported from Korea were destroyed by customs officials.

Foreign journalists must be approved by the Foreign Ministry's Press Center and must be based in Hanoi. A visiting Western freelance journalist was detained and expelled in April after seeking to interview political dissident Nguyen Dan Que at his home in Ho Chi Minh City. The number of foreign staff allowed each foreign media organization is limited, and most Vietnamese staff who work for foreign media are provided by the Foreign Ministry. The Press Center monitors journalists' activities and decides on a case-by-case basis whether to approve their interview, photograph, film, or travel requests, all of which must be submitted 5 days in advance. The Government censored television footage and sometimes delayed export of footage by several days, such as during coverage in April of the 25th anniversary of the end of war.

The Government allowed artists broader latitude than in past years in choosing the themes of their works, although artists are not allowed to exhibit works of art that censors regard as criticizing or ridiculing the Government or the Party. Many artists received permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country.

The Government allows access to the Internet; however, it owns and controls the country's only Internet access provider, Vietnam Data Communications. Five Internet service providers compete for subscribers. The Government postal department reports that there are 82,000 Internet subscribers and an increasing number of



cyber cafes in major cities. High prices for owning computers and Internet access limit home usage, and the Government keeps access fees high to discourage Internet use. However, in cyber cafes and universities, students and many other persons have wide access to the Internet, although much self-censorship keeps many customers away from sensitive sites of a political nature. The Government uses firewalls to block access to some sites operated by Vietnamese exile groups abroad. Vietnam Data Communications is authorized by the Government to monitor the sites that subscribers access. Police suspended telephone service and thus Internet access for Nguyen Dan Que in Ho Chi Minh City and Nguyen Thanh Giang in Hanoi after they circulated articles critical of the Government (see Section 1.d.), but they have continued to communicate with friends and supporters through cellular telephones.

The French nongovernmental organization (NGO) Reporters Sans Frontieres, which monitors freedom of speech and treatment of the press worldwide, placed the country on its list of 20 countries that it deemed "enemies of the Internet."

The Government permitted a more open flow of information within the country and into the country from abroad, including the university system. Foreign academic professionals temporarily working at universities can discuss nonpolitical issues widely and freely in the classroom. Government monitors regularly attended, without official notification, classes taught by foreigners and citizens. Academic publications usually reflected the views of the Party and the Government and exhibited greater freedom for differing views on nonpolitical subjects than for political ones.

*b. Freedom of Peaceful Assembly and Association.*—The right of assembly is restricted in law and practice, and the Government restricts and monitors all forms of public protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. However, persons routinely gather in informal groups without government interference. During the year, there were a number of protests (from 10 to 25 persons) outside government and party office buildings and the National Assembly hall. These protests, which technically were illegal, usually focused on local land compensation grievances, and the authorities generally allowed them to run their course without interference. The protesters claimed, among other grievances, that local officials had compensated them inadequately for land seized by local governments for various purposes (see Section 1.f.). One group of 30 protesters demonstrated peacefully in public in Hanoi outside the home of a senior CPV official. From March until November in Ho Chi Minh City, there were demonstrations of up to 125 protesters. In general the Government does not permit demonstrations that could be seen as having a political purpose. The Government was more tolerant than in the past of occasional demonstrations by citizens about specific grievances against local officials and tolerated extended demonstrations in some cases. Several "sit-in" demonstrations in Ho Chi Minh City involved dozens of persons who remained on the sidewalks opposite government offices for weeks at a time. However, in mid-November, police removed these demonstrators and prohibited further demonstrations. On at least two occasions later in the year, police blocked attempts by protesters to reestablish themselves at that location. The Government allowed large gatherings of Roman Catholic and Hoa Hao religious believers for preapproved festivals (see Section 2.c.).

The Government restricts freedom of association. With a few exceptions, the Government prohibits the establishment of private, independent organizations, insisting that persons work within established, party-controlled organizations, often under the aegis of the Fatherland Front. Citizens are prohibited from establishing independent organizations such as political parties, labor unions, and religious or veterans' organizations. Such organizations exist only under government control.

*c. Freedom of Religion.*—Both the Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those organized activities of religious groups that it declared to be at variance with state laws and policies. The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly. However, government regulations control religious hierarchies and organized religious activities, in part because the Communist Party fears that organized religion may weaken its authority and influence by serving as political, social, and spiritual alternatives to the authority of the central Government.

The Government requires religious groups to be registered and uses this process to control and monitor church organizations. Officially recognized religious organizations are able to operate openly, and they must consult with the Government about their religious operations, although not about their religious tenets of faith. In general religious organizations are confined to dealing specifically with spiritual and or-

ganizational matters. The Government holds conferences to discuss and publicize its religion decrees.

Religious organizations must obtain government permission to hold training seminars, conventions, and celebrations outside the regular religious calendar, to build or remodel places of worship, to engage in charitable activities or operate religious schools, and to train, ordain, promote, or transfer clergy. Many of these restrictive powers lie principally with provincial or city people's committees, and local treatment of religious persons varied widely. In some areas such as Ho Chi Minh City, local officials allowed religious persons wide latitude in practicing their faith, including allowing some educational and humanitarian activities. However, in other areas such as the northwest provinces, local officials allowed believers little discretion in the practice of their faith. In general religious groups faced difficulty in obtaining teaching materials, expanding training facilities, publishing religious materials, and expanding the clergy in training in response to the increased demand from congregations.

Buddhism is the dominant religious belief, and three-fourths of the population are at least nominally Buddhist.

The Government officially recognizes Buddhist, Roman Catholic, Protestant, Hoa Hao, and Muslim religious organizations. However, some Buddhists, Protestants, and Hoa Hao believers do not recognize or participate in the government-approved associations and thus are not considered legal by the authorities.

For example, the Government requires all Buddhist monks to work under a party-controlled umbrella organization, the Central Buddhist Church of Vietnam. The Government opposed efforts by the non-government-sanctioned Unified Buddhist Church of Vietnam (UBCV) to operate independently, and tension between the Government and the UBCV continued. Several prominent UBCV monks, including Thich Quang Do, were released in wide-ranging government amnesties in September and October 1998; however, the Government continued to harass members of the UBCV and prevent their conducting independent religious activities, particularly outside of their pagodas.

The Government continued to isolate certain political and religious dissidents by placing restrictions on the movements of some dissidents and by pressuring the supporters and family members of others. For the past 6 years, Thich Huyen Quang, the Supreme Patriarch of the UBCV, has been held at a pagoda in Quang Ngai province under conditions resembling administrative detention. From 1981 until 1994, he was held at another pagoda in that province. In 1999 he was visited by senior UBCV leader Thich Quang Do for the first time in 18 years, but after 3 days of meetings both were held for questioning by police, and Thich Quang Do was escorted by police to his pagoda in Ho Chi Minh City. Thich Huyen Quang has confirmed that he must request permission before leaving the pagoda and is not allowed to lead prayers or participate in worship activities as a monk. He is able to receive visits from sympathetic monks, sometimes several per week; UBCV monk Thich Khong Thanh visited in November 1999. After meeting with Thich Huyen Quang, visitors frequently are questioned by police. Thich Huyen Quang has called for the Government to recognize the UBCV. Local officials suggested that Thich Huyen Quang move to Hanoi where more modern medical facilities are available, but he refused. On July 5, the police and an official from the provincial committee for religion interrogated Quang concerning a letter that he wrote that criticized the Government and called on the Party and State to repent for their past mistakes. The letter was publicized on the Internet by the official information service of the UBCV based in France just before April 30, the 25th anniversary of national reunification.

Buddhist monks in Hue complained that petitions to local authorities for permission to repair or renovate pagodas go unanswered.

The local Catholic Church hierarchy remained frustrated by the Government's restrictions but has learned to accommodate itself to them for many years. A number of clergy reported a modest easing of government control over church activities in certain dioceses during the year. In some locales, local government officials allowed Catholic Church officials to participate in religious education and charitable activities. However, in many areas, officials strictly prohibited these activities. In recent years, the Government eased its efforts to control the Roman Catholic hierarchy by relaxing the requirements that all clergy belong to the government-controlled Catholic Patriotic Association. Few clergy actually belonged to this association.

The degree of government control of church activities varied greatly among localities. In some areas, especially in the south, churches and religious groups operated kindergartens and engaged in a variety of humanitarian projects. A priest, Pham Minh Tri, and a lay brother, Mai Huu Nghi, belonging to the Congregation of the Mother Coredeptrix reportedly remain imprisoned.

The Government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted, freedom for travel outside these areas, particularly in many ethnic areas. The Government discourages priests as well as Buddhist monks from entering Son La, Lai Chau, and some other border provinces. Upon return from international travel during the year, citizens, including clergy, officially were required to surrender their passports; this law is enforced unevenly. Some persons who express dissident opinions on religious or political issues are not allowed to travel abroad (see Section 2.d.). Seminaries throughout the country have approximately 500 students enrolled. The Government limits the Church to operating 6 major seminaries and to recruit new seminarians only every 2 years. All students must be approved by the Government, both upon entering the seminary and prior to their ordination as priests. The Church believes that the number of graduating students is insufficient to support the growing Catholic population.

The network of Tin Lanh (Good News) churches, originally founded by the Christian and Missionary Alliance early in the 20th century, generally operated with greater freedom than did the house churches. The roughly 300 Tin Lanh churches in the country are concentrated in the major cities, including Ho Chi Minh City, Danang, Hanoi, and lowland areas. Some 15 Tin Lanh churches in the northern provinces are the only officially recognized Protestant churches. At year's end, the Government and Protestant church leaders in the south were engaged in discussions that could lead to future official recognition for their churches.

There were credible reports that up to a dozen Hmong Protestants continued to be imprisoned in Lai Chau and other northwestern provinces for religious reasons.

More than half the country's Protestants belong to a large number of unregistered evangelical "house churches" that operate in members' homes or in rural villages, many of them in ethnic minority areas. Members of Protestant house churches, particularly in the northwestern provinces, continued to face severe restrictions on religious freedom. There were multiple reports that local police beat Protestants during detention or questioning in the central highlands and central coastal provinces. Credible reports from multiple sources stated that up to a dozen Hmong Protestants were imprisoned, primarily in Lai Chau province, for "teaching religion illegally" or "abusing the rights of a citizen to cause social unrest." These included Va Sinh Giay, Vang Sua Giang, Phang A Dong, Ly A Cho, and Ma Van Chinh. A number of others were released during the year, including Vu Giang Thao, Sung Seo Chinh, Ho A Tong, and Giang A To, who were freed from prison in April. The Government also stated that Vang Gia Chua and Sinh Pay Pao were released (see Section 1.e.).

Cao Daist Le Kim Bien was released in September in a prisoner amnesty. Bien's Cao Daist colleague Pham Cong Hien was released in October after completing a 2-year sentence. The two had been imprisoned since October 1998, when they requested to meet with visiting U.N. Special Rapporteur Amor.

The December 1999 conviction of Nguyen Thi Thuy, a Protestant house church leader in Phu Tho province sentenced to 1 year in prison for "interfering with an officer doing his duty," was upheld on appeal despite claims by her defense lawyer that she was arrested for her religious activities. She was released in the September national day amnesty, 1 month prior to the scheduled end of her sentence.

Reports from believers indicated that Protestant church attendance grew substantially, especially among the house churches, despite continued government restrictions on proselytizing activities. The Government restricts Protestant congregations from cooperating on joint religious observances or other activities, although in some localities there was greater freedom to do so. Membership in house churches reportedly continued to grow.

The Government conferred legal recognition on Cao Daism in 1997 after a government-controlled committee wrote a new Cao Dai constitution and elected a new Cao Dai Executive Council. The government-approved Executive Council controls the affairs and manages the operations, the hierarchy, and clergy of the Cao Dai faith. However, numerous Cao Dai believers and clergy actively have challenged the edicts of the Executive Council, stating that they are not faithful to Cao Dai principles and tradition. Early in the year, the Executive Council and clergy came to an agreement on the modification of traditional rites that are performed during rituals for clerical promotion that had been banned by the Government. The compromise changed a part of the rite that the Government had deemed to be "superstitious," but maintained enough "spiritual direction" in the rite to be acceptable to Cao Dai principles. Many Cao Dai followers and clergy initially objected to the tradition, but later accepted it. The agreement resulted in the promotion of several hundred clerics, the first promotions in more than 25 years. However, the Government has prohibited ordination into the Cao Dai priesthood since 1975, and continued to do so throughout the year. Three Cao Daists, Lam Thai The, Do Hoang Giam, and Van Hoa Vui,

who were arrested several years ago, remain imprisoned in Xuan Loc prison in Dong Nai province.

Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang, where the Hoa Hao were dominant as a political and religious force before 1975. The Hoa Hao faced restrictions on their religious and political activities after 1975 because of their previous armed opposition to the Communist forces. After 1975 all administrative offices, places of worship, and social and cultural institutions connected to the faith were closed, thereby limiting public religious functions. However, believers continue to practice their religion at home. The lack of access to public gathering places contributed to the Hoa Hao community's isolation and fragmentation. In 1999 following official recognition of a Hoa Hao religious organization, up to 500,000 Hoa Hao believers gathered for a religious festival in An Giang province in the largest Hoa Hao gathering since 1975. The second of these traditional annual gatherings drew approximately 300,000 persons in June. The authorities continued to restrict the distribution of the sacred scriptures of the Hoa Hao, and believers say that a number of church leaders continue to be detained. Hoa Hao leader Me Minh Triet, who was arrested several years ago, remained in prison at year's end.

In March police in An Giang arrested eight Hoa Hao believers for planning to organize a commemoration of the death anniversary of the group's founder. Police also placed Hoa Hao elder Ha Hai under house arrest in An Giang province and blocked roads and waterways to prevent large numbers of persons from gathering at the founder's ancestral home and pagoda for the anniversary. This anniversary had not yet been approved as an official anniversary or commemoration day by the Government or the Hoa Hao Council. Many Hoa Hao believers consider this to be an important date, and because of this and other disputes have refused to recognize the Hoa Hao Council. Of the eight persons arrested, three subsequently were released. The remaining five were tried in September and received prison terms of from 1 to 3 years. One of the three who were released, Vo Van Buu, also known as Nguyen Van Buu, was arrested again in June together with his wife, Mai Thi Dung. In September Buu was tried and sentenced to 30 months in prison. Dung was tried and sentenced to 18 months' house arrest. Later in the September, Dung slashed her stomach in protest. She was hospitalized, then released the following day.

A total of 13 other Hoa Hao followers were arrested in March in a separate incident unrelated to the founder's death anniversary. Eight of these persons subsequently were released. Three were tried in May and the other two were tried in June. All were convicted and received sentences of from 12 to 30 months' imprisonment.

In May police in An Giang province also arrested Hoa Hao followers Le Huu Hoa. He remained in prison at year's end.

In November five Hoa Haoists who reside in An Giang province were detained in Ho Chi Minh City for planning a demonstration there. Two of them, Ha Hai and Mai Thi Dung officially were under house arrest in An Giang province at the time. Three of the detainees subsequently were returned to An Giang province and released. Mai Thi Dung again was placed under house arrest in An Giang province. Ha Hai was returned to prison in An Giang province and awaited trial at year's end.

In December Le Quang Liem, a Hoa Hao elder who resides in Ho Chi Minh City, organized a group of from 400 to 500 persons to march in procession to the Hoa Hao founder's ancestral home and pagoda in commemoration of the founder's birth anniversary. When police blocked the procession, a fight ensued and a number of Liem's group were injured. The police made no arrests.

The Muslim Association of Vietnam was banned in 1975 but authorized again in 1992. It is the only official Muslim organization. Association leaders say that they are able to practice their faith, including daily prayer, fasting during the month of Ramadan, and the pilgrimage to Mecca, Saudi Arabia. The Government no longer has a policy of restricting exit permits to prevent Muslims from making the hajj. Small numbers have been able to participate in the hajj each year.

The Government does not favor a particular religion. In some respects, conditions for religious freedom improved over 1999. In many areas, religious activity and observance increased; however, at the same time, government restrictions remained. Worshipers in several Buddhist, Catholic, and Cao Dai centers of worship reported that they believed that undercover government observers attended worship services and monitored the activities of the congregation and the clergy. Protestant and Hoa Hao services occasionally were disrupted by local police.

Operational and organizational restrictions on the hierarchies and clergy of most religious groups remain in place. While there were releases of some religious prisoners, detention and imprisonment of other persons for the illegal practice of their religion continued.

In April 1999, the Government issued a new decree on religion that prescribes the rights and responsibilities of religious believers. Similar to the Government's 1991 decree on religion, the decree also states for the first time that no religious organization can reclaim lands or properties taken over by the State following the end of the 1954 war against French rule and the 1975 Communist victory in the south. The decree also states that persons formerly detained or imprisoned must obtain special permission from the authorities before they may resume religious activities.

There were credible reports in both 1999 and 2000 that Hmong Protestant Christians in several northwestern villages were forced to recant their faith. The Penal Code, as amended in 1997, established penalties for offenses that are defined only vaguely, including "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers." In some cases, particularly involving Hmong Protestants, when authorities charge persons with practicing religion illegally, they do so using provisions of the Penal Code that allow for jail terms up to 3 years for "abusing freedom of speech, press, or religion." There were reports that officials fabricated evidence, and some of the provisions of the law used to convict religious prisoners contradict international covenants such as the Universal Declaration of Human Rights.

The Government bans and actively discourages participation in "illegal" religious groups, including the UBCV, Protestant house churches, and an unapproved Hoa Hao group. The Government restricts the number of clergy that the Buddhist, Catholic, Protestant, and Cao Dai churches may train. Restrictions are placed on the numbers of Buddhist monks and Catholic seminarians. Protestants are not allowed to operate a seminary or to ordain new clergy.

Police authorities routinely question persons who hold dissident religious or political views, such as UBCV monks and Hoa Hao leaders.

The Government restricts and monitors all forms of public assembly, including assembly for religious activities. On some occasions, large religious gatherings have been allowed, such as the annual celebrations at La Vang. Within the past 2 years, the Hoa Hao also have been allowed to hold large public gatherings.

Religious and organizational activities by UBCV monks are illegal, and all UBCV activities outside private temple worship are proscribed. In February a group of Hoa Hao believers led by Le Quang Liem established an association separate from the government-sanctioned Hoa Hao Committee. Their petitions to the Government for official recognition were unsuccessful. Protestant groups in central and southern provinces also petitioned for official recognition, but met with a favorable response from the Government. Serious discussions were underway at year's end regarding the drafting of a new charter that could lead to future official recognition.

Most evangelical house churches do not attempt to register because they believe that their applications would be denied, and they want to avoid government control.

The Government generally does not permit religious instruction in public schools. However, in some provinces, religious instruction is allowed outside regular classroom hours. Khmer Buddhists and Cham Muslims routinely hold religious (and language) instruction after regular school hours.

The Government restricts persons who belong to dissident and unofficial religious groups from speaking about their beliefs. It officially requires all religious publishing to be done by government-approved publishing houses. Many Buddhist sacred scriptures, Bibles, and other religious texts and publications are printed by government-sanctioned organizations and allowed to be distributed to believers. The Government allows and in some cases encourages links with coreligionists in other countries when the religious groups are approved by the Government. The Government actively discourages contacts between the illegal UBCV and its foreign Buddhist supporters, and between illegal Protestants, such as the house churches, and their foreign supporters. Contacts between the Vatican and the domestic Catholic Church are permitted, and the Government maintains a regular, active dialog with the Vatican on a range of issues, including organizational activities, the prospect of establishing diplomatic relations, and a possible papal visit. The Government allows religious travel for some, but not all, religious persons; Muslims are able to undertake the hajj, and many Buddhist and Catholic Church officials also have been able to travel abroad. Persons who hold dissident religious opinions generally are not approved for foreign travel.

The Government does not designate persons' religions on passports, although citizens' "family books," which are household identification books, list religious and ethnic affiliation.

The law prohibits foreign missionaries from operating in the country. Proselytizing by citizens is restricted to regularly scheduled religious services in recognized places of worship. Immigrants and noncitizens must comply with the law when

practicing their religions. Catholic and Protestant foreigners exercise leadership in worship services that are reserved for foreigners.

The Government's Office on Religious Affairs hosts periodic meetings to address religious issues according to government-approved agendas that bring together leaders of diverse religious traditions.

Adherence to a religious faith generally does not disadvantage persons in civil, economic, and secular life, although it likely would prevent advancement to the highest government and military ranks. Avowed religious practice bars membership in the Communist Party, although anecdotal reports indicate that a handful of the 2 million Communist Party members are religious believers.

The Government remained sensitive about international and nongovernmental organization investigations. In October 1998, U.N. Special Rapporteur on Religious Intolerance Amor visited Hanoi, Ho Chi Minh City, Hue, and Tay Ninh province. He met with government officials and representatives of the government-sanctioned Central Buddhist Church, the Catholic Church, Cao Dai, a Protestant church, and the small Muslim community. However, security officials prevented Amor from meeting several senior representatives of the nongovernment-sanctioned UBCV, including Thich Huyen Quang and Thich Quang Do, despite his repeated requests to do so.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government imposes some limits on freedom of movement. Most citizens enjoyed freedom of movement within the country; however, some local authorities required members of ethnic minority groups to obtain permission to travel outside certain highland areas. Officially, citizens had to obtain permission to change their residence (see Section 1.f.). In practice many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. However, moving without permission restricted their ability to obtain legal residence permits. Holders of foreign passports must register to stay in private homes. In practice visitors of Vietnamese origin from overseas do not appear to have problems with this requirement and are allowed to stay with family and friends. Other foreigners complain that they are not allowed to do so.

The Government employs internal isolation to restrict the movement of political and religious dissidents (see Section 1.d.). The Government continued to use its 1997 decree on administrative detention to restrict where citizens live and work (see Section 1.f.).

Foreigners generally are free to travel throughout the country, except in some areas restricted on grounds of national security. The Government retained the right to approve travel to border areas, to some areas in the central highlands, and to some islands, but in practice foreigners can travel to most border areas without prior approval. However, on several occasions, local police detained and fined foreigners whom police found had ventured too close to international borders and other sensitive military areas.

Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevents persons from traveling by refusing to issue passports to persons who wished to travel. Persons who depart the country using passports marked *dinh cu* or "resettlement" appear to need a reentry permit to return.

Some persons who publicly or privately have expressed dissident opinions on religious or political issues are not allowed to travel abroad (see Section 2.c.).

Citizens must demonstrate eligibility to emigrate to another country and show sponsorship abroad before the Government issues passports for emigration. Persons who emigrate under refugee status are required to have a letter of introduction from the Ministry of Public Security in order to obtain a passport. Citizens' access to passports sometimes was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities or on the officials' perception that an applicant did not meet program criteria, or in order to extort a bribe.

Because citizens who live overseas are considered a valuable potential source of foreign exchange and expertise for the country but also a potential security threat, the Government generally encourages them to visit but monitors many of them carefully.

The United States continued to process immigrants and refugee applicants for admission and resettlement, including Amerasians, former reeducation camp detainees, and family reunification cases. There are some concerns that some members of minority ethnic groups, particularly nonethnic Vietnamese such as the

Montagnards, may not have ready access to these programs. The Government denied passports for emigration to certain Montagnard applicants.

The Government generally permits citizens who emigrate to return to visit, but it considers them Vietnamese citizens and therefore subject to the obligations of a Vietnamese citizen under the law, even if they have adopted another country's citizenship. The Government no longer requires reentry visas for citizens holding regular passports but who reside in another country. Holders of Vietnamese passports marked *dinh cu* or "resettlement" appear to need a reentry visa. However, emigrants are not permitted to use Vietnamese passports after they adopt other citizenship.

Vietnam and the United States continued to work together on the Resettlement Opportunity for Vietnamese Returnees Program (ROVR) in processing the residual ROVR persons who had returned from refugee camps elsewhere in southeast Asia. This program is nearing completion.

The Constitution allows consideration of asylum under certain circumstances for foreigners persecuted abroad. Otherwise, the country does not have provisions for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens do not have the right to change their government. Party control over the selection of candidates in elections for the National Assembly, the presidency, the prime ministership, and local government undermines this right. All authority and political power is vested in the CPV; political opposition movements and other political parties are not tolerated. The CPV central committee is the supreme decision-making body in the nation, with the Politburo as the locus of policymaking. A standing board, consisting of the five most senior members of the Politburo, oversees daytoday implementation of leadership directives. Senior advisors to the Party, including the former party general secretary, President, and Prime Minister, also continue to exert significant influence on Politburo decisionmaking. The Government limited public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the oneparty State is permitted; however, there were isolated instances of unsanctioned letters from private citizens critical of the Government that circulated publicly (see Section 2.a.).

Eligible citizens are required to vote in elections, although there is no penalty for not voting. Citizens elect the members of the National Assembly, ostensibly the main legislative body, but the Party must approve all candidates, most of whom are Party members. Most National Assembly members belong to the CPV; 15 percent do not. Three members of the assembly are selfnominated independents, not nominated by the partycontrolled Vietnam Fatherland Front, even though it approved their candidacies.

The National Assembly, although subject to the control of the Party (all of its senior leaders are party members), played an increasingly independent role, as a forum for the expression of local and provincial concerns and as a critic of corruption and inefficiency. However, the National Assembly generally does not initiate legislation and may not pass legislation that the Party opposes. Party officials occupied most senior government and National Assembly positions and continued to have the final say on key issues. During the year, the National Assembly continued to engage in vigorous debate on economic, legal, and social issues, including a business enterprise law and a press law. Legislators questioned and criticized ministers in sessions broadcast live on television.

The law provides the opportunity for equal participation in politics by women and minority groups; however, in practice they are underrepresented. Most of the top leaders are men. There is one woman in the Politburo. Women are better represented in the National Assembly, where more than one-fourth of the 450 members are women. Women hold some important positions. The Vice President is a woman, as are several ministers and vice ministers.

The President of the National Assembly, who is also a Politburo standing committee member, is a member of an ethnic minority.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government does not permit private, local human rights organizations to form or operate. It generally prohibits private citizens from contacting international human rights organizations, although some dissidents were able to do so despite opposition from the Government. The Government permitted the UNHCR and international visitors to monitor implementation of its repatriation commitments under the Comprehensive Plan of Action (CPA) and carried on a limited dialog with foreign human rights organizations based outside the country.

The Government generally was willing to discuss human rights problems bilaterally with some other governments if such discussions take place under the rubric of "exchanges of ideas" rather than as "investigations." Several foreign governments held official talks during the year concerning human rights.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. Persons formerly interned in reeducation camps on the basis of pre-1975 association with the government of the former Republic of Vietnam continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans of the former Republic of Vietnam still face economic hardship as a result of employment restrictions and discrimination, but none are known to be incarcerated for their activities after 1975. These veterans and their families generally are unable to obtain employment with the Government. This prohibition is less restrictive than in past years because of the growth in private sector job opportunities.

*Women.*—International NGO workers and many women reported that domestic violence against women was common. The law addresses the problem of domestic violence, and officials increasingly acknowledge the problem; however, authorities do not enforce the law effectively. Many divorces reportedly are due to domestic violence, but many women likely remain in abusive marriages rather than confront the stigma and economic uncertainty of divorce.

Prostitution, although officially illegal, appears to be tolerated widely. Some women are forced to work as prostitutes. The Ho Chi Minh City people's committee recently has acknowledged that more than 10,000 women in the city engaged in prostitution. Hanoi, the port cities of Danang and Haiphong, and smaller cities such as Can Tho and Nha Trang also have large numbers of women engaged in prostitution. There are reports that some exploiters in Ho Chi Minh City addicted young girls to heroin and forced them to work as prostitutes to earn money for drugs. Many more women are compelled to work as prostitutes because of poverty, a lack of other employment opportunities, or because they are victimized by false promises of lucrative work (see Section 6.f.). The Vietnam Women's Union and Youth Union, as well as international and domestic NGO's, are engaged actively in education and rehabilitation programs to combat these abuses.

Trafficking in women for the purpose of forced prostitution, both domestically and internationally, is a serious problem (see Section 6.f.). Women and girls are trafficked from southern delta and highland provinces to Cambodia, and from northern provinces into China. There are reports that some women from Ho Chi Minh City and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. Women and girls frequently are misled by promises of well-paying jobs in those places.

While there is no legal discrimination, women face deeply ingrained societal discrimination. Despite extensive provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupy high government posts, few women compete effectively for higher status positions. The Government has ratified ILO conventions on Equal Remuneration and Discrimination in Employment. The Constitution provides that women and men must receive equal pay for equal work; however, the Government does not enforce this provision. Very poor women, especially in rural areas but also in cities, perform menial work in construction, waste removal, and other jobs for extremely low wages. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Law provisions that call for preferential treatment of women, women do not always receive equal treatment. Nevertheless, women play an important role in the economy and are widely engaged in business and in social and educational institutions. Opportunities for young professional women have increased markedly, with greater numbers entering the civil service, universities, and the private sector.



The party-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union operates micro-credit consumer finance programs and other programs to promote the advancement of women. International NGO's and other international organizations regard the union as effective, but they and Women's Union representatives believe that much time is required to overcome societal attitudes that relegate women to lower status than men. The Government also has a committee for the advancement of women, which coordinates intraministerial programs that affect women.

*Children.*—International organizations reported that despite the Government's promotion of child protection and welfare, children increasingly were at risk of economic exploitation. While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education are strained. Thousands of children work in exploitative child labor (see Sections 6.c. and 6.d.). These practices occur almost exclusively in private, small-scale, or family enterprises. The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. Reports from domestic sources indicate that responsible officials generally took these goals seriously but were constrained by severely limited budgets. According to the World Bank, despite growth in incomes over the past decade, severe malnutrition remains an entrenched problem; about 45 percent of children under 5 years of age suffer from stunted growth.

Widespread poverty contributed to continued child prostitution, especially of girls, but also some boys as well, in major cities. Many prostitutes in Ho Chi Minh City are girls between the ages of 15 and 17. One NGO advocate stated that some child prostitutes, such as those from abusive homes, are forced into prostitution for economic reasons, having few other choices available to them. There are reports that some exploiters in Ho Chi Minh City addicted young girls to heroin and forced them to work as prostitutes to earn money for drugs.

Some children are trafficked domestically, and others are trafficked to foreign destinations for the purpose of forced prostitution. Although statistics are not reliable, children are trafficked from southern delta and highland provinces to Cambodia, and from northern provinces into China. Government agencies were engaged in combating these abuses, and municipal and NGO groups organized publicity campaigns to warn of predatory child sex abusers in resort areas (see Section 6.f.). The Vietnam Women's Union and Youth Union are especially active in drawing attention to these problems and helping with education programs to warn vulnerable families of the dangers of deception by those who would lure young women and children into prostitution. Press reports documented the conviction and imprisonment of some traffickers (see Section 6.f.).

Street children are vulnerable to abuse and sometimes are slapped and harassed by police (see Section 1.c.).

*People with Disabilities.*—Government provision of services to the disabled is limited, and the Government provides little official protection or effective support for the disabled. Government agencies responsible for services to the disabled worked with domestic and foreign groups to "identify measures" to provide protection, support, and physical access for the disabled. Implementation is hampered by limited budgets. The 1995 Labor Law requires the State to protect the rights and encourage the employment of the disabled. It includes provisions for preferential treatment of firms that recruit disabled persons for training or apprenticeship and a special levy on firms that do not employ disabled workers. It is uncertain whether the Government enforces these provisions. The Government permitted international groups to assist persons disabled by war or by subsequent accidents involving unexploded ordnance and has developed indigenous prosthetics-manufacturing capabilities. There are no laws mandating physical access to buildings.

*National/Racial/Ethnic Minorities.*—Although the Government states that it is opposed to discrimination against ethnic minorities, societal discrimination against minorities is widespread. In addition there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities. The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and richer lowland ethnic Vietnamese by granting preferential treatment to domestic and foreign companies that invest in highland areas. The stated goal of government resettlement policy in mountainous provinces is for disadvantaged minorities to relocate from inaccessible villages to locations where basic services are easier to provide; however, the effect of the policy sometimes has been to dilute the political and social solidarity of these groups. Moreover, large-scale gov-

ernment-sponsored as well as spontaneous migration of ethnic Vietnamese to the central highlands have diluted further the indigenous culture and traditional heritage of the minorities located there. The Government continued to repress some highland minorities, particularly the Hmong, for practicing their religion without official approval (see Section 2.c.).

In August about 150 members of the Ede ethnic minority attacked a village of ethnic majority Vietnamese (Kinh) who had migrated into the area where they lived; the Ede injured four ethnic Vietnamese and destroyed several homes. The attack underscored increased tensions that have resulted from the migration of ethnic Vietnamese to areas that traditionally were populated by ethnic minorities.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Trade unions are controlled by the Party and have only nominal independence; however, union leaders influence some key decisions, such as on health, safety, and minimum wage standards. Workers are not free to join or form unions of their choosing; such action requires approval from the local office of the Party-controlled Vietnam General Confederation of Labor (VGCL), and any union that forms must affiliate with the VGCL. The VGCL is the umbrella organization under which all local trade unions must operate. It claims that it represents 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. In 1999 the Government stated that trade unions had not fulfilled their role of protecting workers in foreign-invested companies, many of whom it claimed did not respect labor regulations. The VGCL asserted that authorities did not prosecute some violations of the Labor Law.

About 500,000 union members work in the private sector, including foreign-based enterprises. The vast majority of the work force live in rural areas, is engaged in small-scale farming, and is not unionized.

The 1994 Labor Law requires the federation of labor at the provincial level to establish unions within 6 months at all new enterprises with more than 10 employees as well as at existing enterprises that operate without trade unions. Management of those companies is required by law to accept and cooperate with those unions. In addition, while the Labor Law states that all enterprise level and professional trade unions are affiliated with the VGCL, in practice hundreds of unaffiliated "labor associations" have been organized in occupations such as those of taxi, motorcycle and cyclo drivers, cooks, and market porters. Foreign governments and international organizations, such as the ILO and other U.N. system organizations, provide technical assistance and training to the Ministry of Labor, Invalids, and Social Affairs (MOLISA) and the VGCL.

The Labor Law provides for the right to strike under certain circumstances. The law requires that management and labor resolve labor disputes through the enterprise's own labor conciliation council. However, many labor organizations failed to establish labor conciliation councils. In the case of the absence of a labor conciliation council or if one fails to resolve a labor dispute, it is referred to the provincial labor arbitration council. If the council's decision is unsatisfactory to the union or if the province does not have an arbitration council, unions have the right to appeal to the provincial people's labor arbitration council. However, such councils do not exist in some provinces. Labor courts, a division of the people's courts, heard approximately 500 cases between their inception in mid-1996 and mid-1999; most cited wrongful dismissal and matters of labor discipline. Since 1995 the Labor Ministry has organized hundreds of training courses on the Labor Law for its staff and for managers of large enterprises. The ILO and the U.N. Development Program are co-operating on a large multiyear technical assistance program to strengthen Labor Law implementation.

The government-controlled labor unions stipulate written procedures for managing labor disputes that permit unresolved disputes to be arbitrated before a court. Unions have the right to appeal a council decision to the provincial people's court and the right to strike.

There were 72 strikes during the year. Approximately 450 strikes have been reported since 1993, primarily against foreign-owned or joint venture companies, but some involved state-owned and private firms. The majority took place in Ho Chi Minh City, Dong Nai province, and other southern provinces. Most strikes are symbolic and last 1 or 2 days. Strikes are caused by disputes over wages and related problems, including late payment of overtime pay and inappropriate labor discipline. Although most of the strikes did not follow an authorized conciliation and arbitration process, and thus were of questionable legitimacy, the Government tolerated the strikes and did not take action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, many were supported unofficially at the local and provincial levels of the VGCL. The Labor Law prohibits ret-

tribution against strikers, and there were no credible reports of such retribution. In some cases, the Government disciplined employers for illegal practices that led to strikes.

The Labor Law prohibits strikes at enterprises that serve the public and those considered by the Government to be important to the national economy and defense. A subsequent decree defined these enterprises to be those involved in: Electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the Prime Minister the right to suspend a strike considered detrimental to the national economy or public safety. Strikes are prohibited in 54 occupational sectors and businesses.

Individual unions legally are not free to affiliate with, join, or participate in, international labor bodies, and they do not do so in practice. However, the VGCL has relations with 95 labor organizations in 70 countries, and the VGCL's president traveled internationally, including to Western industrial countries, on labor matters.

*b. The Right to Organize and Bargain Collectively.*—Workers must have the approval of the provincial or metropolitan branch of the VGCL in order to organize unions in their enterprises. The Labor Law provides that party-approved unions have the right to bargain collectively on behalf of workers. It also provides for collective labor agreements that cover employees and employers. Since 1999 collective bargaining became more important. Many contracts were negotiated that ended the practice of annual renewal, and multiyear contracts have become more common despite initial resistance from foreign companies. Labor leaders became more active in supporting their workers by agreeing in 1999 to place more workplace issues in collective bargaining agreements. Issues previously not covered in contracts, such as work on Sundays, have been spelled out so that companies cannot order workers to work a seventh day. As the country transitions away from central planning, market forces play a much more important role in determining wages. The Labor Law prohibits antiunion discrimination on the part of employers against employees who seek to organize.

The growing number of export processing zones and industrial zones are governed by the same labor laws as the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—The Labor Law prohibits all forms of forced and bonded labor, including such labor by children; however, there were reports that thousands of children work in exploitative situations (see Section 6.d.). Some women are forced into prostitution, and trafficking in women for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.). Children were trafficked both domestically and internationally and forced to work as prostitutes (see Sections 5 and 6.f.). A study of child labor in Ho Chi Minh City found cases in which poor families had entered into "verbal agreements" with employers, who put the families' children to work; their salaries generally are sent to their parents.

The Government denies the use of prison labor without compensation; however, prisoners routinely are required to work, producing food and other goods used in prisons for little or no pay. Officials state that juveniles in Education and Nourishment Centers, which function much as reform schools or juvenile detention centers do elsewhere, are assigned work for "educational purposes" that does not generate income.

Late in 1999, the Government issued an ordinance requiring all adult citizens between the ages of 18 and 45 for men and between 18 and 35 for women to perform 10 days of annual public labor. However, the ordinance permits citizens to excuse themselves from this obligation by finding a substitute or paying a fee. While some have alleged that such laborers were recruited to construct the Ho Chi Minh Highway, the Government issued a decree in October that gives the force of law to its existing policy that all labor on this project must be voluntary and paid. Foreign diplomats urged labor officials to consult with ILO experts as to whether the ordinance and its implementation constitute forced labor under internationally recognized standards. There is a long local tradition under which persons living along floodprone levees voluntarily help to build or repair the ubiquitous and centuriesold flood control system.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Law prohibits most child labor but allows exceptions for certain types of work. It sets the minimum age for employment at 18 years of age, but enterprises may hire children between the ages of 15 and 18 if the firm obtains special permission from their parents and the MOLISA. However, a widelypublicized MOLISA survey found that about 40,000 children between the ages of 8 and 14 years of age worked part-time or full-time in violation of the Labor Law. That estimate may be low, since most of these children worked in the informal sector. An employer must ensure that young workers do not undertake hazardous work or work that would

harm their physical or mental development. Prohibited occupations are specified in the Labor Law. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health care. Restrictions on working in hazardous operations apply to persons under the age of 18. However, authorities do not have sufficient resources to enforce these regulations; international donor assistance targets this problem.

The Labor Law permits children to register at trade training centers, a form of vocational training, from the age of 13.

There were no reports that state-owned enterprises or companies with foreign investors used child labor.

In rural areas, children work primarily on family farms and in other agricultural activities. They can begin working as young as 6 years of age and are expected to work as adults by the time they are 15 years of age. In urban areas, children also may work in family-owned small businesses. Compulsory education laws are not enforced effectively in rural areas, where children are needed to work in agriculture. However, the culture's strong emphasis on education leads parents who can send children to school to do so, rather than allow them to work. Many urban schools operate two sessions, allowing children to attend classes and to work.

In 1997 the U.N. Children's Fund (UNICEF) announced that children below the age of 16 faced increased risk of economic exploitation. In 1997 UNICEF cited evidence of children working in gold mines and as domestic servants, or working up to 14 hours per day in hazardous conditions for meager pay or no pay. The ILO stated that some street children both in Ho Chi Minh City and Hanoi participate in night education courses.

Government officials have the power to fine and, in cases of Criminal Code violations, prosecute employers who violate child Labor Laws. While the Government commits insufficient resources to enforce laws providing for children's labor safety, especially for children working in mines and as domestic servants, it has detected cases of child exploitation, removed the children from the exploitative situations and disciplined the employers. In a 1999 case in which children were working in a private sector gold mine, the Government prosecuted and convicted those responsible.

In November The Government ratified ILO Convention 182 on Worst Forms of Child Labor.

The Labor Law prohibits force and bonded labor by children; however, thousands of children work in exploitative situations, and children were trafficked both domestically and internationally for the purpose of forced prostitution (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The Labor Law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for foreign-investment joint ventures is \$45 (637,650 dong) in Hanoi and Ho Chi Minh City, and \$40 (566,800 dong) elsewhere. The Government can exempt temporarily certain joint ventures from paying the minimum wage during the first months of an enterprise's operations, or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than \$30 (425,100 dong). Stateowned enterprises consistently pay above the official monthly minimum wage of \$13 (180,000 dong). These minimum wages are inadequate to provide a worker and family with a decent standard of living. A decreasing number of workers receive government-subsidized housing. However, many workers receive bonuses and supplement incomes by engaging in second-job entrepreneurial activities, and households often include more than one wage earner. The Government enforces the minimum wage only at foreign and major Vietnamese firms. A recent ILO study found that minimum wage requirements are well applied in all sectors, with the exception of smaller private sector enterprises.

In October 1999, the Government reduced the length of the workweek for government employees and employees of companies in the state sector from 48 hours to 40 hours. The Government encourages the private business sector and foreign and international organizations that employ Vietnamese workers to reduce the number of hours in the work week but has not made mandatory.

The Labor Law sets working hours at a maximum of 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at 1.5 times the regular wage and 2 times the regular wage on holidays. The law limits compulsory overtime to 4 hours per week and 200 hours per year. Annual leave with full pay for various types of work also is prescribed by the law. The ILO has pointed out that the limit of 200 hours a year of overtime work is too low, and that workers and employers should have the right to agree to a greater amount of overtime work. It is uncertain how well the Government enforces these provisions.

According to the law, a female employee who is to be married, is pregnant, is on maternity leave, or is raising a child under 1 year of age cannot be dismissed unless the enterprise is closed. Female employees who are at least 7 months pregnant or

are raising a child under 1 year of age cannot work overtime, at night, or in distant locations.

The Labor Law requires the Government to promulgate rules and regulations that ensure worker safety. The Ministry of Labor, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice enforcement is inadequate because of the Ministry's inadequate funding and a shortage of trained enforcement personnel. The VGCL reported that there are 300 labor inspectors in the country but that at least 600 are needed. There is growing evidence that workers, through labor unions, have been effective in improving working conditions. In 1994 the Government ratified ILO Convention 155 on occupational safety and health.

Some foreign companies with operations in the country have established independent monitoring of problems at their factories. In some instances, they used NGO's and other nonprofit organizations to monitor workplace conditions and report abuses to the Ministry of Labor.

The Labor Code provides that workers may remove themselves from hazardous conditions without risking loss of employment.

*f. Trafficking in Persons.*—The Penal Code prescribes harsh punishment for persons convicted of trafficking in women and children; however, some women are forced to work as prostitutes, and trafficking in women and children for the purpose of forced prostitution, both domestically and internationally, is a serious problem. The Government, international NGO's, and the press reported an increase in recent years in trafficking in women. Women and girls are trafficked from the Mekong Delta and highland provinces into Cambodia and from northern provinces into China. There are reports that some women from Ho Chi Minh City and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. Women and girls are misled by promises of well-paying jobs in those places.

Prostitution, although officially illegal, is tolerated widely. The Ho Chi Minh City People's Committee recently acknowledged that more than 10,000 women in the city engage in prostitution. Hanoi and the port cities of Danang and Haiphong also have large numbers of women engaged in prostitution. There are reports that some persons in Ho Chi Minh City addicted young girls to heroin, then forced them to work as prostitutes to earn money to support their drug addiction. Many more women are compelled to work as prostitutes because of poverty, a lack of other employment opportunities, or because they are victimized by false promises of lucrative work. The government-affiliated Vietnam Women's Union and Youth Union, as well as international and domestic NGO's, are engaged actively in education and rehabilitation programs to combat these abuses.

The Government is working with international NGO's to supplement law enforcement measures and is cooperating with other national governments to prevent trafficking. In September it signed an agreement with the government of Australia stating a mutual commitment to combat trafficking in women and children.

Organized groups, including duplicitous job recruiters, lure poor, often rural, women with promises of jobs or marriage and force them to work as prostitutes (see Sections 5 and 6.c.). Press and NGO reports noted that some women were kidnaped and transported to China and other countries against their will, where they were sold into forced marriages. The Government and the Vietnam Women's Union addressed this problem by a program of public information to warn women and girls of these dangers and by repatriation programs to help female returnees. The Government also increased its efforts to prosecute traffickers.

There is reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that are ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival women can be forced into conditions similar to indentured servitude; some may be forced into prostitution.

Children also are trafficked domestically and overseas to work as prostitutes. MOLISA, the Vietnamese Committee for the Protection and Care of Children, and the Vietnam Women's Union were engaged in efforts to combat this abuse. One NGO advocate has estimated that the average age of trafficked girls was between 15 and 17 years; many were trafficked to Cambodia and China.

Some traffickers have been convicted and imprisoned. The Vietnam Women's Union and Youth Union's programs, as well as state-owned media, publicized the problem. Women's Union advocacy and rehabilitation efforts help women and girls who have been trafficked.